

Public Agenda Pack



Notice of Meeting of

LICENSING SUB-COMMITTEE

Monday, 15 May 2023 at 12.00 pm

(Please note new start time)

**Council Chamber, Council Offices, Cannards
Grave Road, Shepton Mallet BA4 5BT**

To: The members of the Licensing Sub-Committee

Chair: Councillor Simon Carswell

Councillor Tony Lock

Councillor Connor Payne

Councillor Brian Smedley

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Tuesday, 9 May 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by Scott Wooldridge on Thursday, 4 May 2023

AGENDA

Licensing Sub-Committee - 12.00 pm Monday, 15 May 2023

Public Guidance Notes contained in Agenda Annexe 3 - 4

Click here to join the online meeting 5 - 6

1 Apologies for Absence

To receive any apologies for absence.

2 Declarations of Interest

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors of Somerset Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 (Pages 7 - 10)

The Chair will confirm the procedure to be followed at the meeting.

4 Objection Notice received in respect of a variation to a premises licence for French General Trading, 2A Church Street, Frome, BA11 1PW.

The Police and the applicant have been able to agree conditions that satisfies both parties, therefore this premises license application has been withdrawn from the agenda.

5 Objection Notice received in respect of an application for a premises licence for The Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ (Pages 11 - 62)

To inform Members that an application for a premises licence for The Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ was submitted under the Licensing Act 2003.

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

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[+44 1823 772277,,94575184#](#) United Kingdom, Taunton

Phone Conference ID: 945 751 84#

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Procedure to be followed when considering Licensing Applications under the Licensing Act 2003

1. The Chair will open the Hearing and introduce the Sub-Committee and Officers. They will then ask each Party to introduce themselves.
2. The Chair will confirm that if a Party is not present their representation/application will be read and taken in to account in reaching the decision.
3. The Chair will address any registerable interest arising under the Code of Conduct.
4. The Chair will consider any submitted requests from a Party for permission for another person to appear at the Hearing. If necessary, the Sub-Committee will retire to deliberate before making a decision.
5. The Chair will confirm that the Hearing will take the form of a round-the-table discussion led by the Sub-Committee in accordance with this procedure. If all Parties present confirm that they have seen and understood the procedure to be followed at the Hearing and agree that they are ready to proceed then the Hearing shall commence.
6. The Chair will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e.

To enable those with a right to appear, to amplify their written application or representation. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues.

7. The Chair will confirm what advance papers have been received and that these have been read.
8. The Chair will make clear that all Parties should only address the Sub-Committee in relation to matters they have raised in their application/representation. Any Party wishing to submit late evidence at the Hearing will only be able to do so with the consent of all Parties present and with the consent of the Sub-Committee.
9. The Chair will confirm whether all Parties have seen and understood the procedure to be followed and are ready to proceed with the Hearing.

10. The Chair will ask the Applicant whether they wish to make any amendments to their application with a view to addressing any issues raised by representations.

11. Order of Oral Presentation

- (a) The Licensing Officer will present their report outlining the details of the application/notice/representations received.
- (b) Any Party may question the Licensing Officer.
- (c) The Members may question the Licensing Officer.
- (d) Responsible Authorities will present their case and call any witnesses.
- (e) Any Party may question the Responsible Authorities and any witnesses.
- (f) Members may question the Responsible Authorities and any witnesses.
- (g) Other Person(s) will present their case in turn and call any witnesses.
- (h) Any Party may question the Other Person(s).
- (i) Members may question the Other Person(s).
- (j) The Applicant/Licence Holder will present their case and call any witnesses.
- (k) Any Party may question the Applicant/Licence Holder and any witnesses.
- (l) Members may question the Applicant/Licence Holder and any witnesses.

The Chair at their discretion, may change the order of oral presentation at any stage, if it is considered to be beneficial to the flow of the hearing.

12. Before moving on to the next Party, the Chair will check there are no further points the current Party wishes to make or any further questions that need to be put to that Party.

13. The Licensing Officer may present any further information such as proposed non-mandatory Conditions deriving from the Operating Schedule or suggested by any Party. However, it will remain for the Sub-Committee to determine what conditions will apply, if any, should the application be successful.

14. Each Party will be invited to make closing submissions in the following order –

- a. Responsible Authorities
- b. Other Persons
- c. The Applicant
- d. Licensing Officer

15. The Chair will then close the Hearing and the Sub-Committee will retire to determine the matter. The Legal Advisor will retire with the Sub-Committee to answer any points of law.

16. The Sub-Committee will come to a decision which will be sent to the Applicant and all other relevant Parties together with the details of the right to appeal.

NOTE:

In producing this procedure the following has been considered: -

The relevant legislation and statutory guidance together with local policies and procedures.

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Objections received in respect of an application for a premises licence for The Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ.

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllr Simon Carswell – Chair Licensing & Regulatory Sub-Committee

Lead Officer: Phil Wake – Licensing and Business Support Officer

Author: Phil Wake

Contact Details: phil.wake@somerset.gov.uk

Summary / Background

1. To inform members that an application for a premises licence was submitted under the Licensing Act 2003. The application can be seen at Appendix 1, a plan of the premises can be seen at Appendix 2.
2. The application is for the sale by retail of alcohol, 09:00 – 00:00 7 days a week. The opening hours applied for are 09:00 – 01:00 7 days a week.
3. An objection has been duly served by Nicola King on behalf of the Chief of Police for Avon and Somerset Constabulary. The objection can be seen in Appendix 3. There are also 5 objections from members of the public, they can be seen at the following appendices:
 - Rosalynde Marshall – Appendix 4
 - Ina Cola – Appendix 5
 - John Devane – Appendix 6
 - Antoinette Jordan – Appendix 7
 - Brian and Jayne Douth – Appendix 8

Recommendations

4. The Licensing Sub-Committee must decide to do one of the following:
 - To grant the application as applied for
 - To grant the application with conditions
 - To refuse the application

Reasons for recommendations

5. There is statutory duty to consider the options above.
6. In determining an application with a view to promoting the licensing objectives in the overall interests of the community, the Sub Committee must have regard to and give appropriate weight to the following considerations:
 - Any objection (including supporting documentation received)
 - Guidance issued under s182 of the Act
 - The Mendip Statement of Licensing Policy published in January 2021
 - The steps necessary to promote the licensing objectives
 - Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1
7. The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision-making process. The licensing objectives are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

Other options considered

8. Not applicable.

Links to Council Vision, Business Plan and Medium-Term Financial Strategy

9. The Council must carry out its functions in accordance with the Licensing Act 2003 with a view to promoting the licensing objectives and this remains the prime consideration of this report.

Financial and Risk Implications

10. There are no financial implications.

Legal Implications

11. The Licensing and Business Support Officer has determined that the representations submitted by Avon and Somerset Constabulary and members of the public are relevant. It is, therefore, the duty of the Sub-Committee to determine the application with regards to the licensing objectives. The issue for the Sub-Committee is whether or not the application undermines the licensing objectives as claimed by the representations.

12. All parties are entitled to appeal the decision of the Sub-Committee. Any appeal must be made to the Magistrate's Court within 21 days of the decision notice.

HR Implications

13. None.

Other Implications

14. None.

Equalities Implications

15. None.

Community Safety Implications

16. None.

Climate Change and Sustainability Implications

17. None.

Health and Safety Implications

18. None.

Health and Wellbeing Implications

19. None.

Social Value

20. The contents of the report do not relate to a procurement process, therefore there are no social value implications.

Scrutiny comments / recommendations

21. This report relates to a statutory function of the Council, which is the responsibility of the Licensing & Regulatory Committee (delegated to a Sub-Committee), so there are no scrutiny comments or recommendations to make.

Background

22. An application for the grant of a premises licence was received by the Authority on 24th March 2023. The consultation period had to be restarted due to the site notice not being displayed, therefore the consultation period ended on the 1st May 2023.
The application is for the sale by retail of alcohol 09:00 – 00:00, with opening times of 09:00 – 01:00 7 days a week. As the application is for alcohol to be

consumed on the premises, live music and recorded music would be deregulated between the hours of 09:00 and 23:00.

The Authority received 10 objections, 9 made by members of the public and 1 made by Avon and Somerset Constabulary.

Through discussions, and a site visit on the 3rd May 2023, 4 members of the public withdrew their objections. 6 objections were unable to be resolved during the consultation period, therefore the matter is for the Licensing Sub-Committee to determine, collectively the objections relate to all 4 Licensing Objectives.

Proposed Activities and Timings

23. The proposed activities and timings are detailed below

Proposed Activities and Hours Day	Start Time	Finish Time	Licensable activity requested	Nature of Premises
7 days a week	09:00	00:00	The sale by retail of alcohol	B&B serving food with a bar area

Relevant Observations

24. At the time of writing this report there have been no agreed conditions.

Further Information

25. None.

Background Papers

The Licensing Act 2003

The Licensing Act 2003 (Hearings) (Regulations) 2005 No. 44

The Latest Guidance issued under section 182 of the Licensing Act 2003

The Mendip Statement of Licensing Policy published in January 2021

Appendices

- Appendix 1 Application for a Premises Licence to be Granted
- Appendix 2 Plan of the premises
- Appendix 3 Objection submitted by the Police
- Appendix 4 Objection submitted by Rosalynde Marshall
- Appendix 5 Objection submitted by Ina Cole
- Appendix 6 Objection submitted by John Devane
- Appendix 7 Objection submitted by Antoinette Jordan
- Appendix 8 Objection submitted by Brian and Jayne Douch

Report Sign-Off (if appropriate) (internal use only - not for publication)

	Officer Name	Date Completed
Legal & Governance Implications	Not applicable	
Communications	Not applicable	
Finance & Procurement	Not applicable	
Workforce	Not applicable	
Asset Management	Not applicable	
Executive Director / Senior Manager	Not applicable	
Strategy & Performance	Not applicable	
Executive Lead Member	Not applicable	
Consulted:	Councillor Name	
Local Division Members	Not applicable	
Opposition Spokesperson	Not applicable	
Scrutiny Chair	Not applicable	

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Sheep & Penguin Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
The Sheep & Penguin 1-2 Tucker Street			
Post town	Wells	Postcode	BA5 2DZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ N/A - Previously 14,500 but removed during refurbishment

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

OFFICIAL – SENSITIVE [PERSONAL DATA]

To find out how the Council use the personal data you supply on this form go to;
<http://www.mendip.gov.uk/privacy>

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					


SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
-----------------------------	------------------------------	-------------------------------	-----------------------------	--------------------------------	--

Surname		First names	
Date of birth over		I am 18 years old or	<input type="checkbox"/> Please tick yes
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Sheep & Penguin Ltd
Address	Yew Tree Cottage Scot Lane Chew Stoke Bristol BS40 8UW
Registered number (where applicable)	13962632
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

The Sheep & Penguin is a public house and boutique hotel / B&B.

The Ground floor is comprised of a bar, restaurant and commercial kitchen. There is a courtyard garden to the rear of the pub and a beer cellar.

On the first floor there are 4 B&B rooms and a function / private dining room. The Male and Female toilets are located on this floor too.

The Second floor has 3 more B&B Rooms, a cleaning cupboard and Linen closet.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur				
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)	
Wed				
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Fri				
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	William Jenkins
Date of birth	23/07/1997
Address	10 Goldcrest Keynsham Bristol BS31 2FT
Postcode	
Personal licence number (if known)	B&NES/23/00273/LAPER
Issuing licensing authority (if known)	Bath & North East Somerset



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	01:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	09:00	01:00	
Wed	09:00	01:00	
Thur	09:00	01:00	
Fri	09:00	01:00	
Sat	09:00	01:00	
Sun	09:00	01:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

CCTV fitted

c) Public safety

**CCTV fitted
L1 fire detection fitted**

d) The prevention of public nuisance

CCTV fitted

e) The protection of children from harm

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	 Sam James
Date	23 / 04 / 2023
Capacity	Operations Manager - Sheep & Penguin Ltd

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;

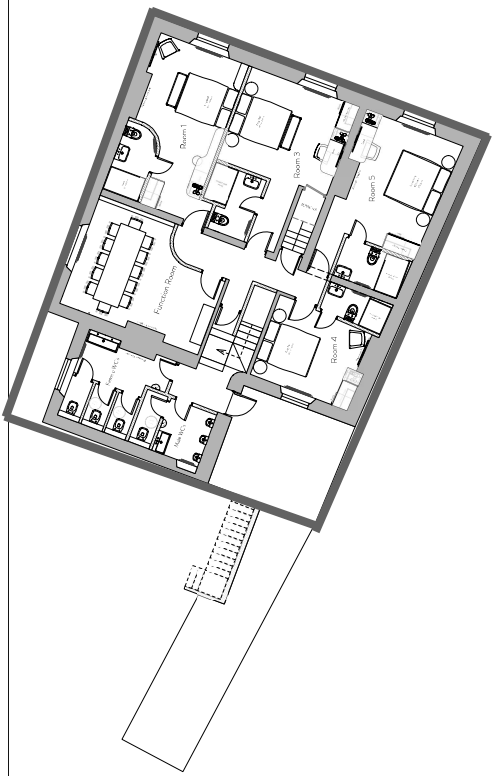
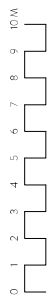
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

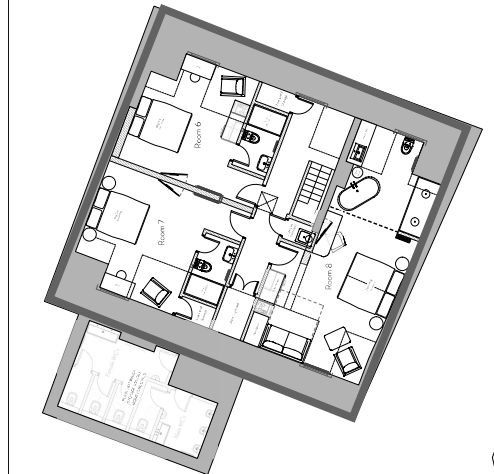
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

APPENDIX 2

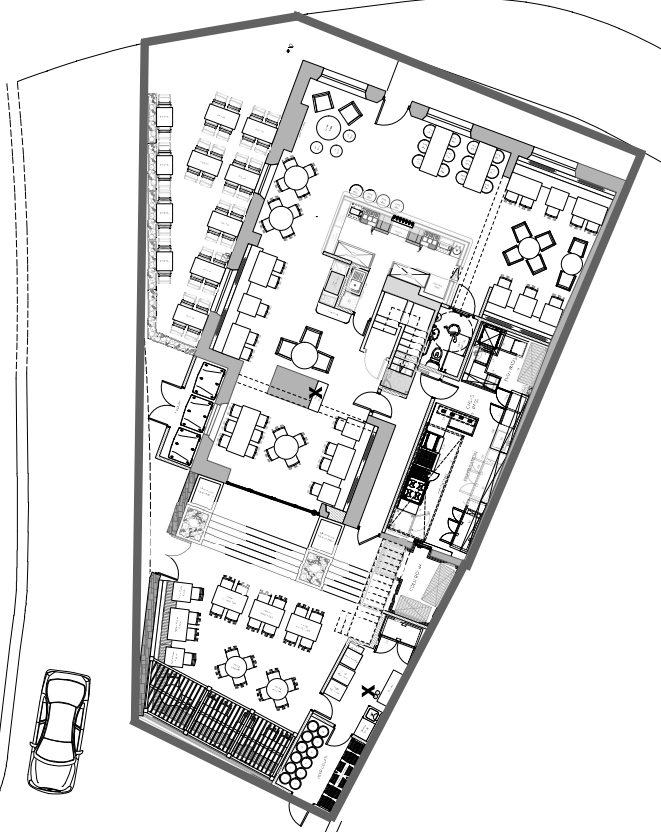
Bar Covers:	43
Restaurant Covers:	39
Total Interior Covers:	82
Rear Garden Covers:	42
Front Garden Covers:	36
Total Exterior Covers:	78



2 First Floor: Proposed
 Scale 1:100



3 Second Floor: Proposed
 Scale 1:100



1 Ground Floor: Proposed
 Scale 1:100

KEY
X - Fire Extinguisher
Fitted with L1 Fire Detection System

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Representation Form

Responsible Authority. Please delete as applicable.
Police

APPENDIX 3

Your Name	Nicola King
Job Title	Area Licensing Practitioner
Postal and email address	Yeovil Police Station Horsey Lane Yeovil Somerset BA20 1SN
Contact telephone number	101

Name of the premises you are making a representation about.	The Sheep & Penguin
Address of the premises you are making a representation about.	1-2 Tucker Street Wells Somerset BA5 2DZ

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Yes	<p>An application has been received for the grant of a new premises licence for The Sheep & Penguin, 1-2 Tucker Street, Wells, Somerset BA5 2DZ. The application is to permit on and off sales Monday – Sunday 0900-0000hrs.</p> <p>On behalf of the Chief Officer of Police we submit our formal representation in respect of this application.</p> <p>Having considered the application and the details provided and taking into consideration the promotion of the licensing objectives, the police are not satisfied that the current conditions put forward by the applicant in the application are either sufficient, proportionate, or enforceable, and in their current format would not enable the promotion of the licensing objectives.</p> <p>Unfortunately, there has been no prior consultation with the police and as a result, we have not been able to furnish the applicant with the latest initiatives taking place in the area, provide information in respect of Challenge 25, Pub watch, Ask Angela and staff training. Recent communication has taken place via email to try and agree conditions with the applicant prior to the closing of the consultation period, but due to ongoing work commitments this has not be possible. Negotiations are currently ongoing and a revised set of conditions has been offered to the applicant but as of yet, no reply has been received.</p> <p>The conditions requested are to enable the promotion of the licensing objectives especially around the prevention of crime and/or disorder, public safety and the protection of children from harm.</p> <p style="text-align: center;">Page 43</p> <p>We have considered the detail provided by the applicant and</p>
To prevent Public Nuisance		
To prevent crime and disorder		
Public Safety		

also their similar business operation but without clear guidelines and procedures in place, it can risk important information not being implemented and recorded. It also gives staff a clear understanding of their responsibilities in assisting the premises licence holder with the promotion of the licensing objectives.

Until recently Mendip District Council, which has now merged with several Councils to become 'Somerset Council', outlined in their Statement of Licensing Policy measures/recommendations for perspective applicants. As an example Pg 2, point 12 of that policy stated the following:-

Applicants for Premises Licences and Club Premises Certificates are strongly recommended to set out, in the Operating Schedule, how they will promote the Licensing Objectives and what measures they intend to employ to ensure compliance with them, in sufficient detail and with specific relevance to their application

Whilst we are currently awaiting the revised policy from Somerset Council no doubt it will outline to applicants something very similar as these measures are imperative in the promotion of the licensing objectives.

Conditions should never be viewed as a negative and should be seen as a positive approach in working in partnership with agencies to promote the licensing objectives which, make our towns and cities an enjoyable experience for all wishing to experience.

To try and support the applicant with their application and ensure that the four licensing objectives are promoted the police request the below conditions be considered by the applicant and are attached to the premises licence. This list is not exhaustive and is specific to the premises.

If the applicant is not in agreement to the conditions, then please accept this as formal notice of the police representation to the application and any evidence will be produced prior to the hearing.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

The premises must install and maintain a comprehensive surveillance system to the satisfaction of the Police and ICO guidelines. The system must be maintained in full working order and record at all times when the premises is open for licensable activities. The correct time & date must be generated on all recordings which must be retained for a minimum period of 31 days. Recorded images must be of evidential quality. Copies must be made available on request, to the police or authorised officer of the licensing authority. If the system is inoperative or faulty for any reason, steps must be taken to repair or replace the equipment within 24 hours. A Data Controller who is conversant with the operation of the system must be available at all times when the premises is open to the public and be able to provide

police or authorised officer of the licensing authority recent data or footage with the absolute minimum of delay when requested. Management, storage, giving and sharing of data recordings must comply with the general data protection regulations at all times.

(The attached document may be helpful and please ensure that your system is registered via www.ico.org.uk as outlined in the attached document).

An incident register must be kept and maintained to record all incidents occurring on the premises or outside and associated with the premises. Records must be made available to the Police & Licensing Authority on request and records will be kept for at least 12 months.

A refusals register must be kept at each bar and used on the premises, to record instances where any sale of alcohol and proxy sales to a patron is refused. This must also include refusals to persons who are intoxicated.

Records must be kept for a minimum of 12 months and must be made available request to the Local Authority, Police and Trading Standards Officers upon request.

The premises must operate a “Challenge 25 policy” or similar, whereby anyone wishing to purchase alcohol that appears to be under the age of 25 years, must be asked to provide photographic identification e.g. Passport, driving licence, PASS card.

All persons involved in the sale of alcohol must receive training on commencement of employment, with regards to preventing the sale of alcohol to persons who are under the required age and proxy sales. This training must be documented and signed for by employees to acknowledge that they have received this training. All employees must receive refresher training every six months. Records must be made available for inspection by the Police & Licensing Authority upon request.

The licence holder must operate a ‘zero tolerance’ policy in relation to drugs at the premises and all staff must receive training with regards to this policy. Drugs seized by staff must be securely stored, until they can be collected by the Police.

No persons shall be allowed in the beer garden after 2300hrs.

The premise licence holder shall be an active member of any pubwatch or similar scheme that operates within the area.

Signed: N King

Date: 1st May 2023

Please return this form along with any additional sheets to: Licensing - Somerset Council

This form must be returned within the Statutory Period.



REPRESENTATION FORM

OTHER PERSON (Person/Body)

Your Name/ Company Name / Name of Body you represent ROSALYNDE MARSHALL	
Postal and email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about SHEEP & PENGUIN	
Address of the premises you are making a representation about TUCKER STREET, WELLS.	

The recently implemented Police Reform and Social Responsibility Act 2011 has removed the term '*interested party*' from the Licensing Act 2003 '*the Act*', to be replaced by the term Other Person.

Other persons

An other person for the purposes of the 2003 Act means the following (as per section 13 of the 2003 Act):-

- (a) *persons who live, or are involved in a business, in the relevant licensing*

Please detail the approximate distance between yourself and the premises applying for a licence	100 yards
Your representation must relate to one of the four Licensing Objectives. Please detail	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary)
TO PREVENT CRIME AND DISORDER	There were numerous incidents when The Mermaid had late openings and the police

have attended the scene many times in the past. There have been fights, foul language and broken bottles on the road & pavement. It has been impossible to sleep with outside late drinking, and music & parties. Music resonates along Portway as it is a fairly small area.

TO PREVENT PUBLIC NUISANCE

I am objecting to the Lam
licensing applied for by
the Sheep & Poultry on
the grounds that it is in
a residential area.

There are young children
living in close proximity
to the premises who

THE PREVENTION OF HARM TO
CHILDREN

are likely to have
disrupted sleep with a late
opening.

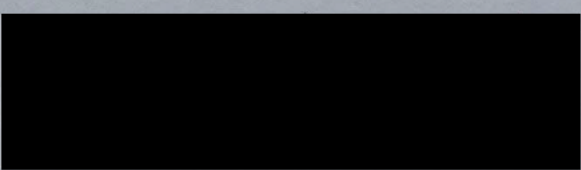
AA

somersetcc.sharepoint.com



Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account

I would like to draw the licensing Sub Committee's attention to The Weatherspoons premises on Priory Road. Customers are not permitted to drink at outside ^{pat} tables after 7pm or to use the beer garden at the back of the premises after 10pm.
I would support this arrangement for the Sheep & Penguin.



1st May 2023.

REPRESENTATION FORM

OTHER PERSON (Person/Body)

Your Name/Company Name/Name of Body you represent	Ina Cole
Postal and email address	██ ██
Contact telephone number	████████████████████

Name of the premises you are making a representation about	Sheep & Penguin Ltd
Address of the premises you are making a representation about	1 – 2 Tucker Street, Wells, BA5 2DZ

The recently implemented Police Reform and Social Responsibility Act 2011 has removed the term '*interested party*' from the Licensing Act 2003 '*the Act*', to be replaced by the term Other Person.

Other persons

An other person for the purposes of the 2003 Act means the following (as per section 13 of the 2003 Act):-

- (a) *persons who live, or are involved in a business, in the relevant licensing authority's area*
- (b) *a body representing persons who live in the relevant licensing authority's area*
- (c) *a person involved in a business in the relevant licensing authority's area*
- (d) *a body representing persons involved in such businesses,*
- (e) *a member of the relevant licensing authority.*

Furthermore the 'vicinity' test has also been removed from 'the Act'. It is for the objector to evidence how they would be affected by the presence of the trading of the business in question. The terms vicinity and interested persons are still referred to within the Mendip District Council Statement of Licensing Policy and should be disregarded.

Please detail the approximate distance between yourself and the premises applying for a licence	Approx. 40 feet (directly opposite the Sheep & Penguin)
Your representation must relate to one of the four Licensing Objectives. Please detail	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary)
TO PREVENT CRIME AND DISORDER	

PUBLIC SAFETY	
TO PREVENT PUBLIC NUISANCE	<p>I'm writing to object to the proposed 1am, 7 days a week opening of the Sheep & Penguin (with alcohol served to midnight). This is not appropriate in a residential area, where family members have to work, and children need to sleep. The 1am closing time will inevitably encourage anti social behaviour and cause distress to residents.</p> <p>Please note that the premises were previously The Mermaid, and nuisance behaviour included:</p> <ul style="list-style-type: none"> • Shouting and swearing late at night, affecting residents of Tucker Street, Portway and Portway Avenue; • Urinating in the side passage of my property; • Litter and bottles in the street and in the side passage of my property; • Fighting in the road, causing a nuisance to passing cars; • Trespassing the Little Theatre premises, and the side passage of my property. <p>Hence, I'm concerned that this will reoccur if the Sheep & Penguin remain open to 1am, 7 days a week. It will merely cause customers to become inebriated and lose control, which is the inevitable consequence of alcohol. In addition, as the Sheep & Penguin wish to remain open after other venues in Wells have closed, it could attract customers that are already inebriated, and incite them to drink even more, which would exacerbate the whole situation.</p> <p>Other venues in Wells do not have a 1am license. For example, The Crown closes at 10.30pm; The King's Head at 10.30pm (except Sat); The Globe at 11pm (except Sat); The City Arms at 11pm; Rose & Crown at midnight; and Weatherspoons at midnight (except Fri/Sat). It is therefore inappropriate for the Sheep & Penguin to be such an anomaly.</p>
THE PREVENTION OF HARM TO CHILDREN	

Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account	<p>The Sheep & Penguin's opening hours should align to that of other venues in Wells, as per the examples given.</p> <p>I'd also like the committee to consider what plans the Sheep & Penguin have in place to mitigate potential nuisance behaviour impacting on the residents of the area.</p>
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Generally if there is to be hearing to determine the premises licence (or club premises certificate) application, the Councillors will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence.

Signed:



Date: 30 April 2023

Please return this form along with any additional sheets to: The Licensing Department, Mendip District Council, Cannards Grave Road, Shepton Mallet. BA4 5BT. Or email to licensing@mendip.gov.uk
This form must be returned within the Statutory Period, which is generally 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Department to confirm this date.

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Phil Wake

From: CHcase
Sent: 02 May 2023 09:20
To: Phil Wake
Subject: FW: 1-2 Tucker Street, Ba52dz.

Sheep and Penguin objection - from resident

India Gill
Case Officer and Service Support
Somerset Council
Contact Number 0300 123 2224

-----Original Message-----

From: [REDACTED]
Sent: 29 April 2023 12:48
To: Licensing Mendip <licensing@mendip.gov.uk>
Subject: 1-2 Tucker Street, Ba52dz.

[REDACTED]

To whom it may concern,

I 'm writing in regard to the above licence application for the Sheep and Penguin public house.

Although I wish the applicant every success with their business venture. I feel that the applicant's desire to remain open for 16 hours and till 1am will have a negative impact on local residents.

From my knowledge, the premises has never had a designated outdoor space. This new space will be meters away form residential gardens. Therefore, I would hope that the licensing body will consider the impact on residents to the same/greater extent as they did when they reviewed the Weatherspoon's application in Princess Road. Especially considering the difference in distance from outdoor spaces to residential development.

Kind Regards,

John Devane
[REDACTED]
[REDACTED]

Sent from my iPhone

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REPRESENTATION FORM

OTHER PERSON (Person/Body)

Your Name/Company Name/Name of Body you represent	Antoinette Jordan
Postal and email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	The Sheep and Penguin
Address of the premises you are making a representation about	1-2 Tucker Street Wells BA52DZ

The recently implemented Police Reform and Social Responsibility Act 2011 has removed the term 'interested party' from the Licensing Act 2003 'the Act', to be replaced by the term Other Person.

Other persons

An other person for the purposes of the 2003 Act means the following (as per section 13 of the 2003 Act):-

- (a) persons who live, or are involved in a business, in the relevant licensing authority's area
- (b) a body representing persons who live in the relevant licensing authority's area
- (c) a person involved in a business in the relevant licensing authority's area
- (d) a body representing persons involved in such businesses,
- (e) a member of the relevant licensing authority.

Furthermore the 'vicinity' test has also been removed from 'the Act'. It is for the objector to evidence how they would be affected by the presence of the trading of the business in question. The terms vicinity and interested persons are still referred to within the Mendip District Council Statement of Licensing Policy and should be disregarded.

Please detail the approximate distance between yourself and the premises applying for a licence	Approximately 80feet as the crow flies from the drinks garden at the rear of the premises to the bedrooms at the back of our home.
Your representation must relate to one of the four Licensing Objectives. Please detail	Please detail the evidence supporting your representation and the reason for your representation. (Please use separate sheets if necessary)
TO PREVENT CRIME AND DISORDER	We are objecting to the extended licencing hours requested by The Sheep and Penguin. Extending the length of possible drinking hours increases the likelihood of anti social behaviour both at the venue itself, in the area immediately adjacent to the venue and also on the pedestrian routes away from the pub, which pass our front doors and

	<p>front facing bedrooms. This was our experience when the Sheep and Penguin's predecessor, 'The Mermaid' was operational. During this period, we had a regular traffic of disorderly groups of people wandering home at closing time under the influence of drink who often loitered in the road in the lower part of Portway nearest the Connect Centre end, or who gathered on the raised pavement outside the Connect Centre to drink further and behave anti-socially. At this time, many of the residents, as now, were raising young families and the frequent occurrence of disturbing anti social behaviour was threatening.</p>
<p>PUBLIC SAFETY</p>	<p>Our next nearest provider of alcoholic beverages is Weatherspoons in Princes Road. This establishment is not embedded in a residential area as is the Sheep and Penguin and yet customers are not permitted to drink in the area outside of the building at the front after 7pm and their beer garden at the rear of the building closes at 10pm.</p> <p>In the interests of public safety, as well as the prevention of public nuisance and harm to children, and of course the first of your categories, 'the prevention of crime and disorder', we would like to see the licensing permissions brought into line with those of Weatherspoons. The Sheep and Penguin, in fact, is situated on a busy junction and its entrance to its housing at the rear of the building, together with the entrance/exit gate to the pubs outdoor drinking area is down a small road to the side of the pub. This road is concealed from the adjacent main road and also the trajectory of the pavement it crosses. Even without the pub being open at the moment, the coming and goings of vehicles from the main road and down this side road towards the back of the pub presents a threat to public safety due to its invisibility. With late night drinking, I can only imagine that this is going to be exacerbated.</p>
<p>TO PREVENT PUBLIC NUISANCE</p>	<p>As mentioned above, our next nearest provider of alcoholic beverages is Weatherspoons in Princes Road. This establishment is not embedded in a residential area as is the Sheep and Penguin and yet customers are not permitted to drink in the area outside of the building at the front after 7pm and their beer garden at the rear of the building closes at 10pm. It has to be imagined that these hours reflect the capacity of patrons to create public nuisance. With the opening hours of mid night and then 1am being requested by The Sheep and Penguin, the potential for nuisance noise at these very late hours from their small walled courtyard drinking area seems inevitable. The courtyard, although making a private space, will act as an echo chamber for merry customers.</p> <p>The Sheep and Penguin is surrounded by residential housing on each side, although to its left, private housing is interrupted by a sequence of derelict shops. To the right, a long terrace of homes houses families, including vulnerable groups such as young children, having a pub right behind them is difficult enough, without the potential threat of opening hours, noise from customers and clearing up extending into the small hours. We know so much about the effects of feeling unsafe on the psychological, emotional and neurological development of children. The unruly and uninhibited behaviour which drink and in particular longer hours of drinking can cause, could potentially really damage the wellbeing of not only the young children living yards away from this venue and its outdoor space and its departing guests.</p> <p style="text-align: center;">Page 58</p>

<p>THE PREVENTION OF HARM TO CHILDREN</p>	<p>Please see above.</p> <p>I can only speak for the lower end of Portway when I say that we have several families with young children living in the neighbourhood adjacent to the Sheep and Penguin. Bringing drinking into the neighbourhood and in particular drinking late into the night has the potential to harm the wellbeing of children in our neighbourhood. At the very least, the noise created by outdoor drinking and by merry customers leaving the pub, may not enable them to sleep through the night and could easily make them feel threatened. We frequently have people turning out from the night club or city centre pubs who shout, loiter and argue at full volume on the street outside our bedroom window. This morning, we had to clean our pavements after someone had vomited along the length of our terrace of houses.</p> <p>I imagine that the drinking area at The Sheep and Penguin will need to be illuminated which could impact on all the bedrooms and living spaces at the back of our row of terraces, not only disturbing the circadian rhythms of human beings, but also the community of bats and wildlife in the adjacent copse.</p>

<p>Suggested conditions that could be added to the licence to remedy your representation, or other suggestions you would like the Licensing Sub Committee to take into account</p>	<p>Please could you reconsider the hours during which drinking is permitted in the Sheep and Penguin's outside area. I would like to see this brought into line with Weatherspoons, which, as I mentioned above, is less embedded in a residential area.</p> <p>Please could you also place restrictions on the lighting of the rear of the pub so that nearby sleepers in the adjacent houses are not disturbed.</p>
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Generally if there is to be hearing to determine the premises licence (or club premises certificate) application, the Councillors will only be able to consider matters that have been previously disclosed. No new evidence can be introduced at the hearing. It is therefore imperative that you detail all matters that you wish to be considered on this initial representation. (Please attach additional sheets if necessary).

If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

All representations in their entirety, including your name and address, will be disclosed to the applicant for the premises licence.

Signed: Antoinette Jordan

Date: April 29th 2023

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Phil Wake

From: CHcase
Sent: 02 May 2023 09:20
To: Phil Wake
Subject: FW: Grant of a premises licence - Sheep and Penguin, Wells

Importance: High

Kind regards

Charlene Hunt
Case Officer and Service Support
Somerset Council
Contact Number 0300 123 2224



From: [REDACTED]
Sent: 30 April 2023 21:26
Cc: Licensing Mendip <licensing@mendip.gov.uk>
Subject: Grant of a premises licence - Sheep and Penguin, Wells
Importance: High

28th April 2023

The Licensing Department
Mendip District Council
Cannards Grave
Shepton Mallet
Somerset
BA4 5BT

Dear Sir/Madam

Re: Sheep & Penguin Ltd, 1-2 Tucker Street, Wells, BA5 2DZ

We were unfortunate to be living here when the Mermaid was still open. We had to sleep in the back of our house every Friday and Saturday night because of the breach of the peace coming from the pub. We had incidents of vomit up our door, beer glasses left on our window sills and screaming and fighting in the middle of the road was common place.

Whilst we wish the Sheep and Penguin good luck and we will of course support them, we do not want to return to those old days – it was horrendous.

We appreciate the alcohol licensing committee will be issuing a licence but we ask you, please, to consider carefully the effect the times of that licence will have on the surrounding residents. If we stand in our garden the back of the site is within a close distance. To give you an idea, when the workmen were building the site it was very easy to hear anyone's conversation – it is that close as it wraps around the back.

Wetherspoon's licence allows them to serve alcohol outside up to 7pm at the front which is the nearest point to residential houses – that is further away than the Sheep and Penguin is to residential houses here.

We would ask you to consider our right to peaceful enjoyment of our home and therefore stick to this precedent.

Yours faithfully

Brian and Jayne Douch

Mr and Mrs Douch