

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Monday, 19 June 2023 at 2.00 pm

Present:

Cllr Simon Carswell (Chair)
Cllr Connor Payne
Cllr Lance Duddridge

In attendance:

Alex Kershaw-Moore	Legal Advisor
Phil Wake	Licensing and Business Support Officer
Claire Dicken	Democratic Services Officer
Jack Godley	Senior Licensing and Business Support Officer
Debbie Widdows	Democratic Services Officer

Also Present:

Melissa Toney	Shakespeare Martineau Solicitors, representing Mr Alex Major, the Applicant
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5 Apologies for Absence - Agenda Item 1

None

6 Declarations of Interest - Agenda Item 2

None

7 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The Chair confirmed the procedure.

8 Objection Notice received in respect of application made for variation of a

**Premises License for White Hart Inn, 19-21 Sadler Street, Wells, Somerset,
BA5 2RR - Agenda Item 4**

The Licensing and Business Support Officer was invited to present his report. He explained the Council had received an application from Scarlett Pub Company Limited. The application was for a variation to the current Premises Licence at the White Hart Inn, 19-21 Sadler Street, Wells, BA5 2RR to amend the hours for the Sale of Alcohol, Regulated Entertainment and Late-Night Refreshment.

The Report explained The White Hart was a 15th century Inn located in the City Centre of Wells. On the ground floor there was a bar area and a snug, (which could accommodate up to 12-people) there was a large self-contained function room situated on the first floor, (which could accommodate up to 80 people). Finally, there were 15-bedrooms for guest accommodation and an outside seating area to the side of the premises. The premises was surrounded by a mixture of shops, businesses, restaurants, hotels, and residential homes.

The application asked for the following licensable activities:

Supply of Alcohol (On and Off the Premises), Monday – Sunday, 10:00am – 01:00am
Regulated Entertainment (Indoors), Monday – Sunday, 10:00am – 01:00am
Late Night Refreshment (Indoors), Monday – Sunday, 23:00pm – 01:00am

The Council had received four representations from Other Persons. The representations raised concerns surrounding public nuisance, one of the four licensing objectives. The principal cause for concern was the potential for noise nuisance.

The application was to increase the times that the premises could supply alcohol, have live and recorded music and offer late night refreshment by an extra hour. The current terminal hour for these activities was 12-Midnight. There had been a request to add a new condition in relation to 'Challenge 25' and to remove Condition 3 of Annex 2. The Licensing Officer confirmed that the condition at issued had been put on the licence in error.

It was further noted that the request for a challenge 25 condition was covered by the Police conditions as agreed with the Applicant.

This variation application would be in keeping with other premises in the immediate vicinity of Sadler Street, examples of which were set out in the report. The Authority had no record of any public nuisance complaints against these premises, and the Environmental Protection Team have raised no objections to this application.

Avon and Somerset Police Liquor Licensing had recommended certain conditions to the applicant during the representation period. These conditions had been agreed and would be added to the premises licence. A copy of these conditions were attached to the report.

Applicant

The Solicitor representing the applicant was invited to speak.

She said she had nothing to add to what the Licensing Officer had already outlined.

She further stated that she would like to make reference to appendix 8 of the report and that through the consultation period The White Hart had sought to engage all parties with regards to any objections they had. The White Hart sought to engage with the Licensing Officers at all times and this has proven to be successful.

The owners have agreed to ensure that they will try and work within all parameters to ensure that the objectives are upheld.

The Solicitor representing the applicant wished to draw attention to the fact that The White Hart was an accommodation premises and so it would seek to not cause any disturbance to their own clientele as well as the neighbouring residents.

After further deliberations it was confirmed that the variation of the license applies to regulated activities inside and not outside.

Closing Submissions:

The Chair asked each party to make their closing submission.

There was nothing further from the Solicitor representing the applicant.

The Licensing and Business Support Officer reminded the Sub Committee they must consider this application on its own merits and from the information contained within the application and the report.

Members were reminded that the duty of the Licensing Authority was to take steps necessary to promote the licensing objectives in the interests of the wider community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder

- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy.

The options available to the Sub Committee were as follows:

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences
- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

Finally, the Officer stated that all relevant parties to the decision of the Licensing Authority had the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

The Chair thanked everyone for attending. He said the decision of the Sub Committee would be made known following a short determination.

Private Session

The Chair then closed the meeting and the Sub Committee considered the application in private session.

RESOLVED:

On the evidence before it, having considered all the circumstances and agreement between the Applicants and Other Persons, the Sub-Committee grants the application to vary the Premises Licence as applied for, with the additional conditions as agreed with the police and set out in Annex (8) of the papers.

The sub-Committee further approves the removal of Condition 3 from Annex 2 of the Licence.

The Sub-Committee advises the Other Persons that if they feel that noise is excessive their best option is to contact the Applicants, and that such procedures are used to keep channels of communication open. In addition the Other Persons are advised to report incidents to Environmental Protection as well as keeping records of any concerns.

Parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to review of the premises licence. This provision permits nearby residents, businesses or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. The Panel respectfully reminds all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermine the licensing objectives.

(The meeting ended at 3.00 pm)

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CHAIR