

Public Agenda Pack



Notice of Meeting of

LICENSING SUB-COMMITTEE

Monday, 18 March 2024 at 10.00 am

**Sedgemoor Room, Bridgwater House, King
Square, Bridgwater, TA6 3AR**

To: The members of the Licensing Sub-Committee

Councillor Peter Clayton

Councillor Hugh Davies

Councillor Lance Duddridge

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, 12 March 2024**.

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 (the Proper Officer) on Friday, 8 March 2024

AGENDA

Licensing Sub-Committee - 10.00 am Monday, 18 March 2024

Click here to join the online meeting (Pages 3 - 4)

1 Appointment of Chair for the Sub-Committee

2 Apologies for Absence

To receive any apologies for absence.

3 Declarations of Interest

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

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 (Pages 5 - 8)

5 Minutes of the Sub-Committee

To authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee.

6 Designated Premises Supervisor - Laburnum House Hotel (Pages 9 - 42)

To consider an application to vary the Designated Premises Supervisor of the Laburnum House Hotel, 4 Sloway Lane, West Huntspill, TA9 3RJ following objections having been received from the Police.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 386 094 073 76

Passcode: fDsvVk

[Download Teams](#) | [Join on the web](#)

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[+44 1823 772277,,643155926#](#) United Kingdom, Taunton

Phone Conference ID: 643 155 926#

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Guidance notes for the meeting

Council Public Meetings

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.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 1(S)(S)A (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.

PROCEDURE AT THE HEARING

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 into 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 nonmandatory 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.

Application to vary a Premises Licence to specify an individual as Designated Premises Supervisor (DPS)

Executive Member(s): Cllr Federica Smith-Roberts

Local Members and Division: Cllrs Mark Healey and Suria Aujla, Huntspill

Lead Officer: Alan Weldon, Licensing & Fraud Manager

Author: Alan Weldon

Contact Details: alan.weldon@somerset.gov.uk

Introduction and Background

1. The matter for consideration before the Sub-Committee is the determination of an application to specify an individual Designated Premises Supervisor (DPS) in accordance with the Licensing Act 2003, following the receipt of a relevant representation by way of objection on behalf of the Avon & Somerset Police from Police Alcohol Licensing Officer, Nicola Cooper.
2. On 13th February 2024, an application to vary the Premises Licence to specify an individual as Designated Premises Supervisor (DPS) in respect of Laburnum House Hotel, 4 Sloway Lane, West Huntspill, TA9 3RJ was received in full, from Mr Steven Cox. The application seeks to vary the licence to specify a new DPS, Mr Steven Cox. Mr Steven Cox is also joint Premises Licence Holder with his father, Mr David Cox. A copy of the redacted application form is shown as **Appendix A**.
3. The premises licence authorises the retail sale of alcohol for consumption on and off the premises during the following hours: 11.00 hrs to 00.00 hrs Daily. Prior to the application being made, Mr David Cox was the named DPS. A plan of the premises and maps of the area surrounding the premises are attached as **Appendices B** and **C** respectively.
4. On 26th February 2024, Nicola Cooper submitted a representation in respect of this application on behalf of the Police, the representation report being shown as **Appendix D**. The Police have provided further documentation in support of the representation, namely a witness statement (**Appendix E**), a copy of email correspondence between the Police and the applicant (**Appendix F**) and a letter dated 21st February 2024, sent by the Police to the Licence Holders (**Appendix G**).

Recommendations

5. The **Licensing Sub-Committee** is required to determine the application in accordance with the Act and must resolve to do one of the following:
 - a. To grant the application to vary the premises licence to specify the DPS as Mr. Steven Cox.
 - b. To refuse the application to vary the premises licence to specify the DPS as Mr. Steven Cox.

Reasons for recommendations

6. It is therefore the duty of the Licensing Sub-Committee to determine the application with a view to the promotion of the licensing objectives which are: -
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
7. The representation in this case refers to the prevention of crime and disorder.

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 Act 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.
11. There are no significant risks identified provided that the application is determined correctly, in accordance with the legislation and having due regard to the Somerset Council's Licensing Policy.

Legal Implications

12. The Licensing Officer has determined that the representation submitted by Nicola Cooper, Avon and Somerset Police Alcohol Licensing Officer is relevant. It is, therefore, the duty of the **Licensing Sub-Committee** to determine the application with regards to the licensing objectives. The issue is whether or not the application as submitted, sufficiently promotes the licensing objectives; whether the promotion of the licensing objectives requires the application to be

granted, or whether the application requires it to be refused because the licensing objectives cannot be met.

HR Implications

13. None

Other Implications: -

Equalities Implications

14. None.

Community Safety Implications

15. None.

Climate Change and Sustainability Implications

16. None.

Health and Safety Implications

17. None.

Health and Wellbeing Implications

18. The **Licensing Sub-Committee** may consider any factors that would promote or, conversely, undermine the licensing objectives.

Social Value

19. As the contents of this report do not relate to a procurement process, there are no social value implications.

Scrutiny comments / recommendations:

20. 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 Papers

21. As identified in the report and below under 'Appendices'.

Appendices

Appendix A – Redacted copy of the application
Appendix B – A plan of the premises

Appendix C – Maps of the immediate area
Appendix D – Copies of the representation form and report submitted by the Police
Appendix E – Witness statement in support of the Police representation
Appendix F – Email correspondence between Police and Mr Steven Cox
Appendix G – Letter from the Police to the Licence Holders dated 21st February 2024



Application to vary a premises licence to specify an individual as designated premises supervisor - Stage 1

FS-Case-585599801

Case created on: 2024-02-09 22:11:32

Introduction

Personal details

Are you an agent acting on behalf of the applicant? No

Applicant details

Title Mr
First name Steven
Family Name Cox
E-mail [REDACTED]
Main telephone number [REDACTED]
I am applying as a business or organisation, including as a sole trader

Applicant Business

Is your business registered in the UK with Companies House? Yes
Commercial Register Laburnum house
Business name D j cox ta laburnum
Legal Status Sole Trader
Your position in the Business Manager
Home country United Kingdom

Registered Address

Building number or name 4
Street Sloway lane
City or Town West huntspill
County or administrative area Somerset
Postcode Ta9 3rj
Country United Kingdom

Premises details

Premises location

Are you able to provide a postal address, OS map reference or description of the premises? Description
Address Description Sloway lane
Describe the premises. For example, what type of premises it is Hotel

Supervisor

Full name of proposed designated premises supervisor

First name	Steven
Family name	Cox
Nationality	British
Place of birth	Weston s mare
Date of birth	<input type="text"/>
Personal licence number of proposed designated premises supervisor	Cant find it
Issuing authority of that licence	Sedgmoor

Full name of existing designated premises supervisor

First name	David
Family name	Cox
Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?	Yes
I will notify the existing premises supervisor (if any) of this application	I will notify the existing premises supervisor (if any) of this application
Will the premises licence or relevant part of it be submitted with this application?	Yes
How will the consent form of the proposed designated premises supervisor be supplied to the authority?	Electronically, by the proposed designated premises supervisor
Attach your premises licence (or relevant part) and/or the consent form here:	Screenshot_20240208_164256_Microsoft 365 (Office).jpg
Reference number for consent form (if known)	Sjc

Payments details and declaration

Payment details

This fee must be paid to the authority. This formality requires a fixed fee of £23.

Declaration

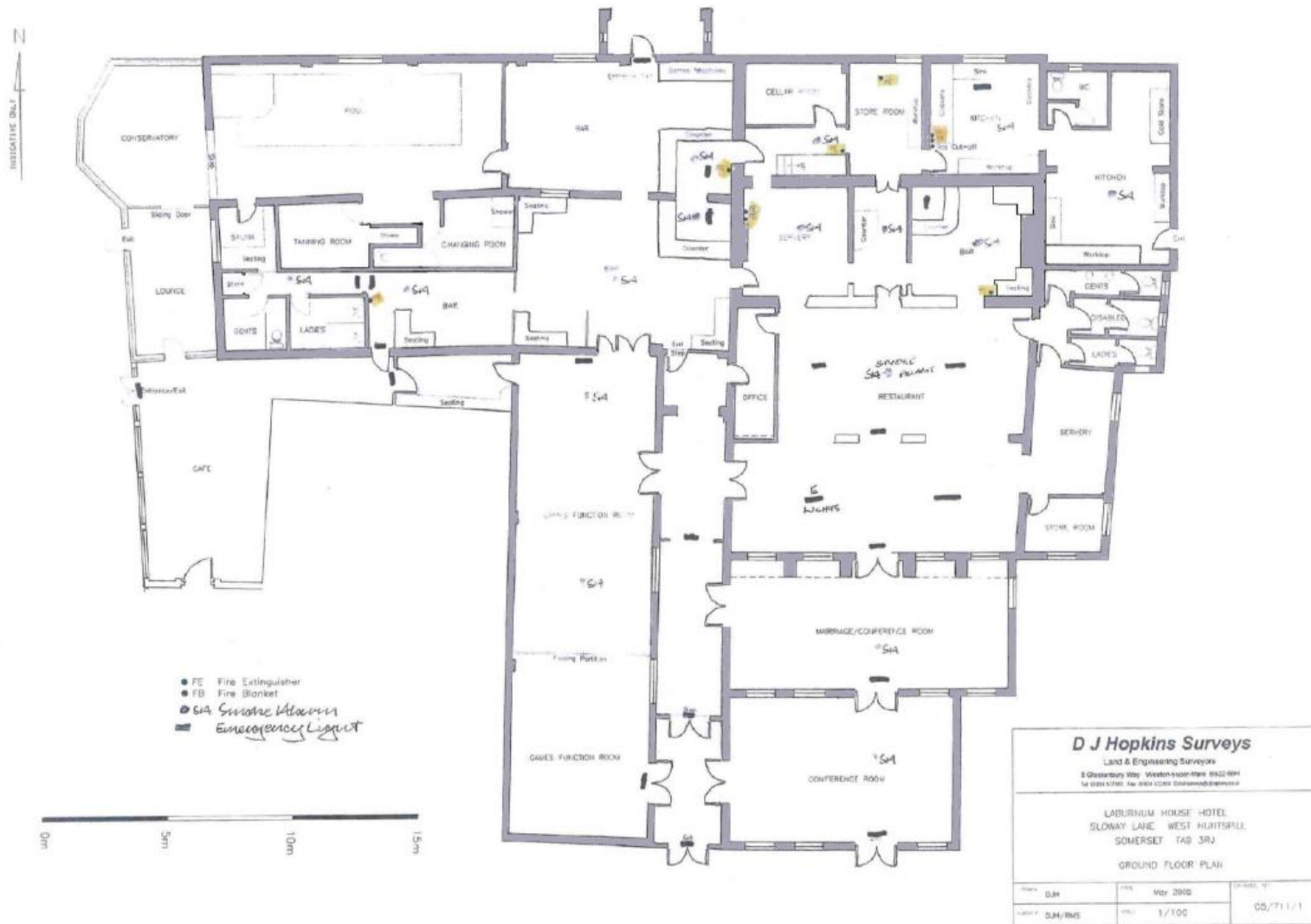
I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration. I have read and understood the above declaration.

Full name Steve Cox

Capacity Manager

Date 09 February 2024



D J Hopkins Surveys
 Land & Engineering Surveys
 3 Gloucester Way, Weymouth, Dorset DT98 3RH
 Tel: 01305 371111 Fax: 01305 371112 Email: dhopkins@btinternet.com

LABURNUM HOUSE HOTEL
 SLOWAY LAKE WEST HURTSFILL
 SOMERSET TA9 3RU

GROUND FLOOR PLAN

Drawn: DJH	Date: May 2008	Scale: 1/100
Checked: DJH/RMS		Ref: 05/7711/1

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1-March-2024
Scale = 1:5633 900



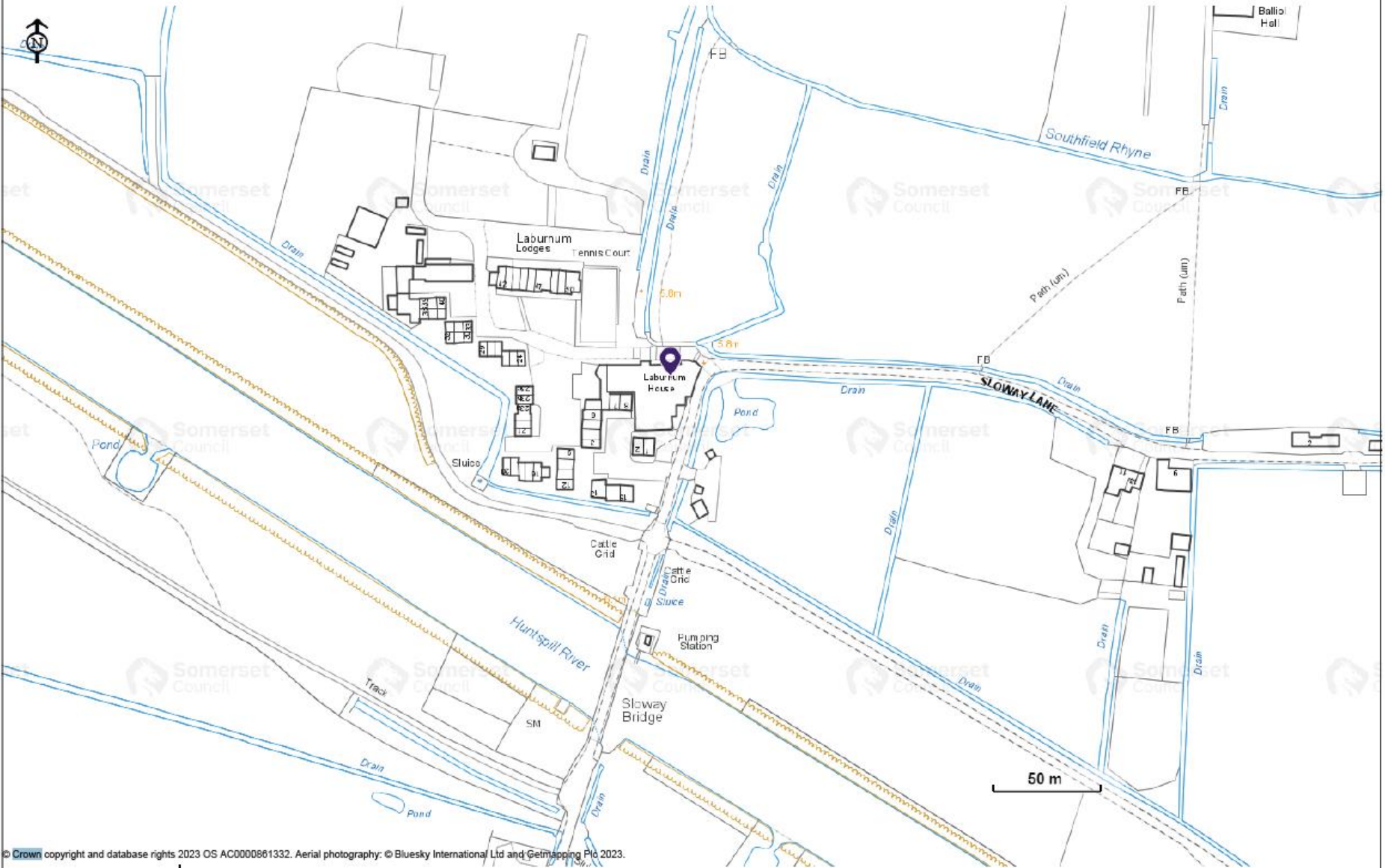
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4 SLOWAY LANE, WEST HUNTSPELL, HIGHBRIDGE, TA9 3RJ, 100041185531, [1]

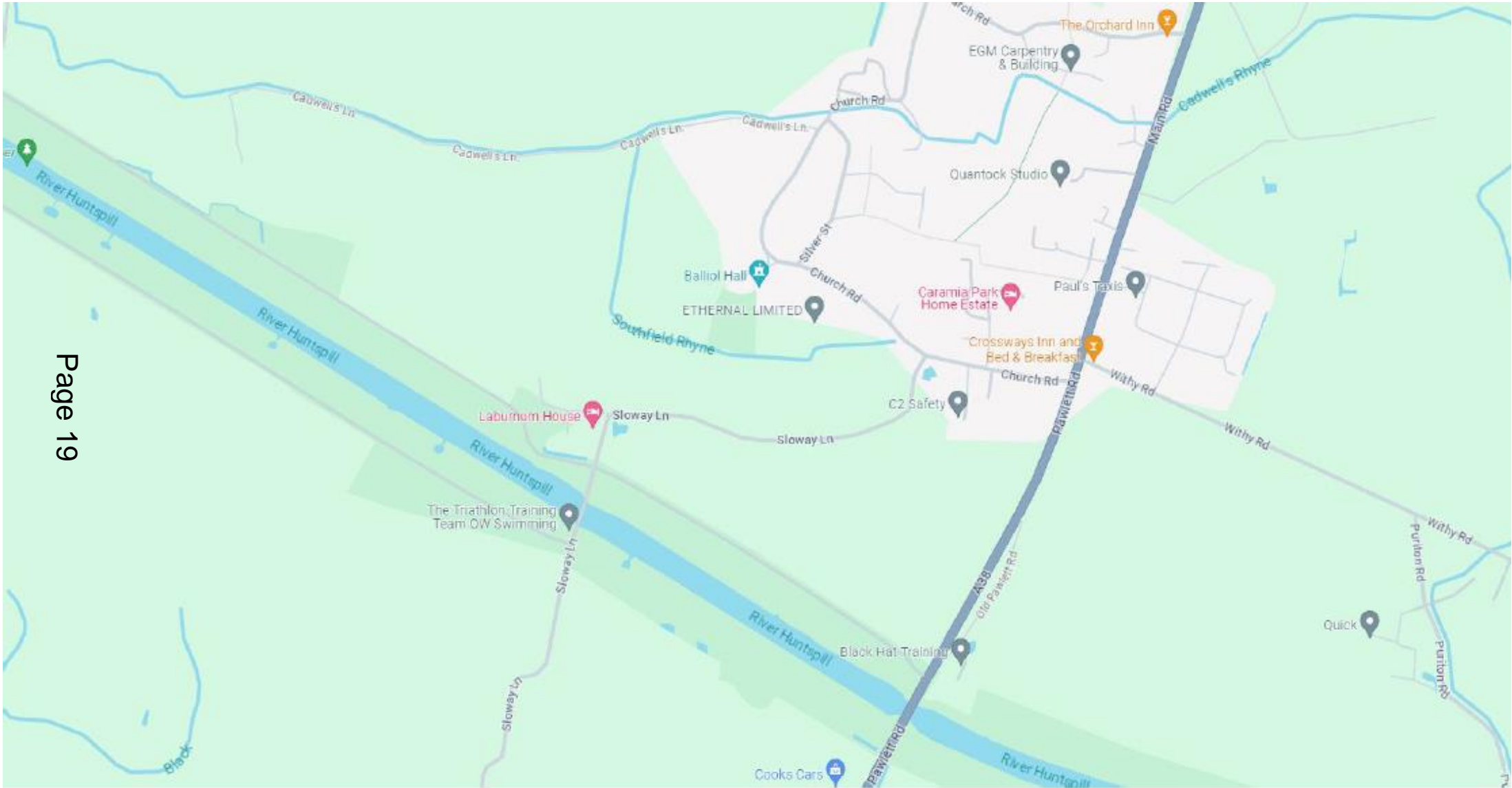
1-March-2024
Scale = 1:1659 420



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**Avon & Somerset Constabulary
Representations Licensing Act 2003
Vary Designated Premises Supervisor s.37 Licensing Act 2003**

Your Name	Nicola COOPER 8820
Job Title	Police Alcohol Licensing Officer
Postal and email address	Avon & Somerset Constabulary Express Park, Bristol Rd, Bridgwater TA6 4RR
Contact telephone number	101

Name of Proposed DPS:	Steven Cox
Date of Birth:	██████████
Personal Licence No:	SDCTA6/4355 - Sedgemoor District Council
Name of the premises :	Laburnum House Hotel
Address of the premises :	4 Sloway Lane, West Huntspill, Highbridge TA9 3RJ

I am a Police Alcohol Licensing Officer of the Avon and Somerset Constabulary, in whose area the above premises are situated, and I am authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003. An application has been made to vary the premises licence to specify an individual as designated premises supervisor under section 37 of the Licensing Act 2003. I have considered this application and the Police are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.

On 9th February 2024 we received an application to vary the Designated Premises Supervisor (DPS) of the above premises to Mr Steven Cox (the applicant), case number FS-585599801. I understand that the consent form was missing and a complete application was subsequently received on the 13th February 2024. The Personal Licence number on the application form states "Can't find it". I have since asked for a photocopy of the Personal Licence but this has not yet been received. To enable the licensing sub-committee to fully consider our representations, I would like to give some background information in respect of the applicant and the premises to date as follows:

The Premises License for this premises is for a Hotel and Restaurant but I have been advised that it has not been run as such for at least 3 years and the licence is not currently suitable for the activities which is long-term accommodation for Bulgarian Nationals. This is in breach of planning legislation and I understand there is an application pending for change of use.

Our representations include recent unauthorised sales of alcohol taking place at the premises outside of the licensed area. Ongoing unauthorised sales of alcohol were found to have been taking place at a premises known as the "Escape Rooms" within the curtilage of the site in November 2023 and despite our advice, further unauthorised sale of alcohol again in January 2024 from a "shop premises" also outside of the licensed area. I attach a letter sent to the Premises License Holders on the 21st February which fully outlines our findings and is self-explanatory. A signed copy of this letter has not yet been returned to us by the Premises Licence holders as requested. We ask that the letter is fully considered as part of our representations.

During a telephone conversation with the applicant on the 21st February 2023 to discuss this application and the premises in general, he has refused to listen to advice and would not allow me to speak. The s.182 Guidance of the Licensing Act 2003 (Dec 2023) s.4.62 and the Council's

Statement of Licensing Policy 4.5.3. (May 23) states that it is essential that Officers and other Responsible Authorities can immediately identify the DPS so that any problems can be dealt with swiftly. It states that the DPS will occupy a "pivotal position" but I do not feel that the applicant has shown any willingness to work in Partnership with us. I have attached a statement outlining my recollection of the telephone call which we would ask is also considered as part of our representations. I also attach copy correspondence of an email trail which followed between myself and the applicant.

This premises was initially brought to my attention by the Neighbourhood Sergeant PS Hardaway due to concerns with sale of alcohol from a "shop" within the site. I subsequently attended the premises at her request and staff/residents including the applicant have denied that there is any shop premises within the site. At the same time I have met with a tenant of the "Escape Rooms" within the site, who had been advised that he could sell alcohol under the terms of the premises licence but which was not authorised by their licence. The applicant was present during this conversation on 14th November 2023.

It is our expectation that a Designated Premises Supervisor and Personal Licence Holder will be a responsible person in "day to day control" of the premises. Having looked at this premises in detail when collating information for the attached letter, it appears that the applicant has no regard for the law or his responsibilities under the Licensing Act 2003 and associated legislation. Although our representations do not relate to relevant offences or conditions of the licence the information we are putting forward we believe amounts to exceptional concerns whereby we feel we can evidence that the applicant has a general disregard for the law and thus is not a suitable person for the role of DPS.

Regarding associated legislation the s.182 guidance of the 2003 Act point 1.19 states that licensing authorities and licensees should be mindful of requirements and responsibilities placed upon them by other legislation which would include:-

- The Gambling Act 2005 • The Environmental Protection Act 1990 • The Noise Act 1996 • The Clean Neighbourhoods and Environmental Act 2005 • The Regulatory Reform (Fire Safety) Order 2005 • The Health and Safety at Work etc. Act 1974 • The Equality Act 2010 • The Immigration Act 2016 • Regulators' Code under the Legislative and Regulatory Reform Act 2006.

In the vast majority of cases a vary DPS application should be a simple administrative process. However the s.182 Guidance of the Licensing Act 2003 point 4.69 states that "the police may object to the designation of a new DPS where, in exceptional circumstances they believe that the appointment would undermine the crime prevention objective. In summary we re-iterate the following reasons for objecting to this application which we feel meets this criteria as follows:

- Unauthorised sales of alcohol despite being advised.
- Alcohol on display for sale in unlicensed areas.
- Gaming machines in use outside a licensed area breaching the Gambling Act 2005.

Although the lack of fire risk assessments and planning permissions are not relevant to the crime prevention objective for the purpose of these representations, they are relevant to the premises lack of compliance over several years and supports the lack of responsibility and respect for relevant legislation by the applicant. We feel that this background supports our representations that the applicant has a continued disregard for the law and his responsibilities under the Licensing Act 2003.

For the purpose of this representation, we do not believe that the applicant would meet our expectations as DPS and he has denied any responsibility for the offences found, blaming the Police for not advising him yet he has been advised. This only exacerbates the issues. We have also found that the applicant lacks integrity and has proved very difficult to communicate with.

Licensing policy and specifically refer to the following points....

Appendix D

2.4.4 states that the Licensing Authority expects license holders to ensure that gaming machines in premises licenced to sell/supply alcohol are made available strictly in accordance with the Gambling Commissions code of practice in alcohol-licensed premises.

3.1 Partnership working - where delivery includes working with Partner Agencies including the Police.

4.5.2. The Premises Licence holder remains responsible for ensuring that the licensing law and conditions are complied with at the premises. Any authorisations should be meaningful and properly managed.

In conclusion, we have considered the Council's Statement of Licensing Policy (May 2023), the Secretary of State's Guidance and current legislation. We have no confidence that the applicant will meet expectations regarding the responsible management of this premises and we do not believe that he is responsible to hold the position of DPS. We have not taken this decision lightly and it is very rare to submit representations that give rise to exceptional concerns.

On behalf of the Chief Officer of Police of Avon & Somerset Constabulary , we believe that the above and attached information does amount to "exceptional circumstances. We are currently collating information for a review of the Premises Licence in its entirety due to the current issues. Although the previous DPS Mr David Cox also appeared to be unaware of the offences and has given me contradicting information about the site in a telephone call on the 8th February 2024, he advised me that he lives on site and is at the premises every day. We are satisfied that to vary the DPS to Mr Steven Cox would not allay our concerns or improve the situation and it would undermine the crime prevention objective.

We ask that the Licensing sub-committee give this matter their attention and consideration.

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

Signed: **Nicola Cooper 8820**
Date: 26th February 2024

(Taunton & Somerset West)

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Appendix E

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9

URN

Statement of: Nicola COOPER

Age if 18 or
under:

Over 18

*see overleaf (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me is true to the best of my knowledge and belief and make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Victim / Witness signature: Digitally Signed 22/02/24

Date: 22ND February 2024

I am Police Alcohol Licensing Officer 8820 COOPER of the Avon and Somerset Constabulary covering Taunton & West Somerset since October 2012.

On Wednesday 21st February 2022 at 14.59 I received a telephone call from Mr Steven Cox of Laburnum House Hotel, 4 Sloway Lane, Highbridge. He was returning a voice message I had left earlier in the day. I wanted to speak to Mr Cox before sending him a letter dated 21st February 2022 regarding unauthorised sales of alcohol and other licensing issues at the premises. I wanted to discuss the matter by telephone before issuing the letter and discuss the premises licence.

When I answered the telephone Mr Cox was initially polite and I asked why he had submitted an application to vary the Designated Premises Supervisor from his Father Mr David Cox to himself. He said he was more involved in the running of the premises and his father was now elderly. He went on to say that he had just signed a 7 year lease for Hinkley workers to occupy the premises and I stated that he did not have planning permission for that as it had not yet been decided. At that point Mr Cox became verbally aggressive over the telephone towards me calling me a "jobs worth, and that I was rude and he paid my wages". I asked what he meant by that and he said "you must know what I mean by paying your wages and referred to council tax". The call lasted for 15 mins and 51 seconds and Mr Cox would not let me speak. I did not get to discuss the letter or the premises licence.

During the call Steven Cox said it was my job to advise him if he was doing anything wrong. I tried to clarify that he had been a licence holder for over 35 years and he responded "that is for you to find out". He was repeating "listen to yourself, saying something about using my authority, repeating that I was a jobsworth and that he would be making a complaint about me. I asked him what were his grounds for making a complaint. He said there must be an ulterior motive and to just tell him what it was and that I had a personal vendetta towards him and I was rude. He said I had not written the letter and someone else must have written it and to tell him what was going on. At this point he had not been sent the letter or seen it or knew of it's contents. I had only previously met Mr Cox once before and face to face on 14th November 2023 when I had advised him about his licensed area. The letter I was sending to him was putting everything in writing as we must keep a record. He refused to discuss the contents of the letter with me in a civil manner before it was sent to him.

I found Mr Cox to be unprofessional, rude, sarcastic, intimidating towards me. Under s.4.62 of the s.182 guidance of the Licensing Act the Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt

Signature Digitally Signed 27/11/23

Signature Witnessed By

Page Number

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of

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Pages

Appendix E

Witness Name: Liam FRAMPTON

URN [] [] [] []

with swiftly. I did not feel that I would be able to resolve any problems with Mr Cox due to his obstructive attitude.

I eventually said that I would just send the letter to him for signature by both Premises Licence Holders and he said email would be better as the Bulgarian's steal the post.

This is not our expectation for a proposed Designated Premises Supervisor or indeed Premises Licence Holder to speak to a Responsible Authority in this manner. I was so taken aback with Mr Cox's outburst that I put the phone on to loud speaker for colleagues to listen to. They advised me to end the call which I did.

Signature Digitally Signed 27/11/23

Signature Witnessed By

Page Number

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of

2

Pages

Nicola Cooper

From: Steve Cox Team GB [REDACTED]
Sent: 23 February 2024 12:02
To: Nicola Cooper
Subject: Re: UNAUTHORISED SALE OF ALCOHOL - Laburnum House Hotel
Attachments: image001.png

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This message is from an External Sender. Please take care when clicking links or opening attachments.

If you are suspicious of it, please report it using the 'Report Message' button in Outlook.

Hi

In which case why did you not know about them when we spoke. I introduced you to Rees, you had no idea where they were and certainly didn't mention the red line until over there, Danielle is a resident not a member of staff.

My name is Steven

My father's name is David.

Shall I go on or shall we wait until our hearing.

It took me 10 days to get a telephone call from my last 999call when we had a unwelcome visitor gangmaster come on site yet you appear to have all the time in the world to write to me whilst, as you know I am on my annual leave. I cannot believe Sedgmoor does not have more pressing issues for your time than a Premises not selling g alchohol(let's not argue pedantics, I'm saying as in a 7 days a week pub for example).

Please allow me a couple days without this batting g to and fro.

Regards

Respectfully

Steve Cox

On Fri, 23 Feb 2024, 11:23 Nicola Cooper, <[REDACTED]> wrote:

Good morning Mr Cox

Please let me know which parts of my letter are incorrect so that I can address it?

Before you arrived at the premises on 14th November a female staff member whom I believe was called Danielle, pointed out the Escape rooms to me and other staff clarified this.

Kind regards

Nicola Cooper 8820 PLPQ ABII Dip CII

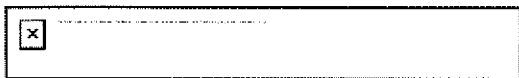
Area Licensing Practitioner – Taunton & West Somerset

Licensing | Avon and Somerset Police

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Email [REDACTED]

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From: Steve Cox Team GB [REDACTED]
Sent: Friday, February 23, 2024 10:08 AM
To: Nicola Cooper [REDACTED]
Subject: Re: UNAUTHORISED SALE OF ALCOHOL - Laburnum House Hotel

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NICOLA,

WILL YOU PLEASE ADDRESS MY FATHER WITH A CAPITAL AND SPELL MY NAME CORRECTLY AS I HAVE ALREADY TOLD YOU.

OBVIOUSLY I CONTINUE TO DISPUTE YOUR LETTER, SOME CONTENTS ARE UNTRUE, OTHERS I FIND RATHER STRANGE, YOUR MEMORY FAILS YOU.

IF YOU CAN REMEMBER OUR FIRST MEETING IT WAS MYSELF THAT TOLD YOU ABOUT ESCAPE ROOMS, YOU HAD NO IDEA THEY WERE EVEN THERE, NOT MEMBERS OF STAFF.

STEVE COX

On Fri, 23 Feb 2024, 10:50 Nicola Cooper, <[REDACTED]> wrote:

Good morning Mr Cox

This is all noted. I await a photograph of your Personal Licence and signed copy of my letter signed by both parties.

Kind regards

Nicola Cooper 8820 PLPQ ABII Dip CII

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From: Steve Cox Team GB [REDACTED]
Sent: Friday, February 23, 2024 9:29 AM
To: Nicola Cooper [REDACTED]
Subject: Re: UNAUTHORISED SALE OF ALCOHOL - Laburnum House Hotel

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Thank you,

No I believe I want to go very public, I am very proud of what I have achieved and its something all agencies should be congratulated on, public agencies working alongside the private sector.

I want to explain my vision as I see it and would very much hope to be supported.

"Whatever has happened in the past must be and can be improved on and we will help you get there."

Multi agency meeting statement.

Steve Cox

On Thu, 22 Feb 2024, 19:06 Nicola Cooper, [REDACTED] wrote:

Dear Mr Cox

If you would withdraw your application to vary the DPS there will be no need for a hearing which will be very much in the public domain. I did not feel you would want this if you are attempting to secure alternative contracts.

In the future when the refurbishment is completed, all planning, change of use and fire risk assessments are in place we could discuss a variation of the licence. In the meantime however, the premises and the running of it undermines the licensing objectives which is why I asked for a surrender.

I would ask that you consider these points.

Kind regards

Nicola Cooper 8820 PLPQ ABII Dip CII

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From: Steve Cox Team GB [REDACTED]
Sent: Thursday, February 22, 2024 2:29 PM
To: Nicola Cooper <Nicola.Cooper@avonandsomerset.police.uk>
Subject: Re: UNAUTHORISED SALE OF ALCOHOL - Laburnum House Hotel

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Hi

Wow !

We go round in circles.

If you remember it was me asking you not to be so rude to me, detailing repeatedly how you appear to want nothing else bar me surrendering my license with no reason behind it.

I look forward to the hearing where I will hope to bring several different agencies along as a character reference.

I do not want to surrender our license and see no reason for this persistent line you are taking.

Something does not add up when one considers the trouble in Bridgwater at the moment.

My license issue cannot Compare with what is happening there.

Regards

Steve Cox

On Thu, 22 Feb 2024, 14:11 Nicola Cooper, [REDACTED] wrote:

Good afternoon Mr Cox

Thank you for your reply.

I had hoped to discuss this yesterday but due to the manner in which you spoke to me I feel that future correspondence should be in writing where I shall be happy to answer any questions that are relevant.

With the current lack of planning on site, lack of fire risk assessments etc. I would ask that you either surrender the licence or alternatively withdraw your application as DPS and request that your Father withdraws his consent as DPS so that there is no authorisation bearing in mind you state that you are NOT selling any alcohol. If you do not wish to do that, you will have your opportunity to put forward these points at a Licensing Hearing in due course.

The points you mention regarding the burger van, goodwill etc to the Church are not relevant in respect of your licence and not for consideration. I understand they relate only to the Bulgarian community.

In the meantime, please could you return the signed copies of the letter and a photo of your Personal Licence.

I look forward to hearing from you.

Kind regards

Nicola Cooper 8820 PLPQ ABII Dip CII

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From: Steve Cox Team GB [REDACTED]
Sent: Thursday, February 24, 2011 11:05 AM
To: Nicola Cooper [REDACTED]
Subject: Re: UNAUTHORISED SALE OF ALCOHOL - Laburnum House Hotel

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Hi,

I am happy to discuss this.

The red wine you saw was there against my specific instructions.

I need to explain what you describe as a shop.

For 2 years now I have tried to build a community here.

On Sundays I allow the church to use the conservatory foc.

I provide, FOC, a room for the health visitors, dental , social services, 2 charities and the Bulgarians have over the last 2 years had the use of the room next to the conservatory to sell product to each other.

You may recall the Burger van as well? FOC and in the winter I sponsor hot food on Friday and Saturday nights ,I have never ever received a penny from these but the goodwill and ' control' of the site is I believe mostly down to these feelgood points that don't really cost me much.

I have never charged for the 'shop'room, it is solely for them, not ever survived long but randomly we see it used.

I have made it clear to the various shopkeepers that no cigarettes or alcohol to be sold.

What surprises me most is that red wine was there, I can only think it was cooking wine because they drink spirits, maybe cheap beer but wine ?

I have explained again that under no circumstances should ANY alcohol be sold.

Appendix F

If I'm correct, I could sell it from the normal bar but I choose not to for the reasons already discussed.

I believe Rees is going to reapply for a license by the escape rooms, if successful I think we might surrender the license as he would be able to serve our future clients. You may recall he said he did not sell to the Bulgarians but he has implied he would be happy to service HPC workers.

I am happy to discuss these points whenever, I really hope we can develop a relationship where we stay compliant and fulfil our responsibilities, as ever I will do my best and any help / advice is very, very gratefully received..

Regards

Steve Cox

On Thu, 22 Feb 2024, 13:05 Nicola Cooper, [REDACTED] wrote:

Good morning Mr Cox

Thank you for your email and my response is as follows:-

1. The letter relates to your premises licence and the spelling of your name was taken from that. If it is incorrect you need to advise the Licensing Authority accordingly.
2. I apologise if the information I have been given is incorrect but you don't state which part? I have however, fully investigated the information available to me.
3. I refer to my email to you dated 15th November at 13:08 whereby I gave relevant advice and attached a copy of the plan of the licensed area which has not been adhered to. If you would like a further copy, of this correspondence, please let me know. My letter of yesterday is also advisory and clearly outlines what is wrong at the premises.
4. I spoke to you yesterday to discuss the matter and give further advice but you did not wish to listen.
5. I am fully aware of intervention by my colleagues and other partner agencies.
6. The licensed area is in place for a reason and any sale outside the area is an unauthorised sale and the legislation is clear.
7. If you did not intend to sell the red wine I am unsure why it was being advertised for sale?

If you have any further questions please do not hesitate to contact me.

Kind regards

Nicola Cooper 8820 PLPQ ABII Dip CII

Area Licensing Practitioner – Taunton & West Somerset

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From: Steve Cox Team GB <[REDACTED]>
Sent: Wednesday, February 21, 2024 5:24 PM
To: Nicola Cooper [REDACTED]
Subject: Re: UNAUTHORISED SALE OF ALCOHOL - Laburnum House Hotel

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I acknowledge receipt of your email.

It would be nice if you could spell my name correctly.

It would be even nicer if your facts were correct.

Even nicer would be when I ask for your help and advice you could give it rather than be rude, thankfully your friend Tracey Jones gave me lots of advice, which you, for some unknown reason failed to give me, preferring to dwell on the faults of the past.

I am aghast at your attitude towards me, staggered at your lack of interest in getting things right.

At our multi agency meeting 3 years ago the police and council agreed to help me get things right at the hotel.

All the agencies have worked with me with amazing results, you obviously were unaware of these people working together with me.

You may object to me being the person in charge which is a shame as Sedgemoor, Somerset, Avon and Somerset, Devon and Cornwall police, local church, school, social services, health visitors, dental practices, GLAA, child protection, to name a few off the top of my head all trust me and use me as the point of contact,

Appendix F

as well as Tracey of course who used to visit very very regularly but will confirm we are well off her weekly appointment list !

We do of course see wpc Tracey Jones every Wednesday for the passport checks for immigration, I'm sure if anything was wrong she is more than capable of telling us.

She has advised us about posters, books, etc. She knows full well we haven't sold any alcohol in our " shop", if you want to call it that.

The "shop" that is 1m outside our red line, is this really the worst offence ? A few bottles of wine that would never get sold to our current clientel in a month of Sundays, they are not red wine drinkers ! Again, Tracey will confirm whiskey, maybe vodka, but red wine at £10, no chance !

From our first meeting you have appeared very personally involved, there feels like an agenda to remove our license, you keep asking me to surrender it, why ?

I remain committed as I have done from day 1 in getting everything right and I , once again, ask for your advice and help in reaching this point.

Laburnum has been a successful hotel with alcohol sales for nearly 40 years and we hope to return to those days, we just need help.

Steven Cox

[REDACTED]

On Wed, 21 Feb 2024, 17:46 Nicola Cooper, [REDACTED] wrote:

Good afternoon Mr Cox

Further to our telephone conversation today, I am sorry that you feel you have not been advised. I have been looking at our records and collating information from colleagues and Partner agencies and I am now attaching a letter fully outlining the facts relating to Laburnum House Hotel. This is our usual procedure for all premises where licensing issues are found. It is my role to advise and ensure that licensed premises within my area are compliant when issues are found.

I am in receipt of your DPS application and I have advised you today that we have representations to make which are outlined fully in the attached letter. If your Father wishes to withdraw his consent as Designated Premises Supervisor he can do so by emailing the licensing authority, bearing in mind you are not selling alcohol. You also have the option of withdrawing your application rather than attending a licensing hearing. I had hoped to explain this process to you today but you did not want to speak to me or listen to my advice.

Appendix F

As advised to you today, please acknowledge receipt by both signing and returning to me as soon as possible by email or hand delivering to an officer or to Burnham on Sea Police Station who will return it to me.

If you have any questions, please do not hesitate to contact me.

Kind regards

Nicola Cooper 8820 PLPQ ABII Dip CII
Area Licensing Practitioner – Taunton & West Somerset

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Tel [REDACTED] | Landline:

Email [REDACTED]

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Avon and Somerset Constabulary



Licensing Dept.
Avon & Somerset Constabulary
Express Park, Bristol Rd, Bridgwater, TA6 4RR
email: [REDACTED]
Tel: [REDACTED]

–

21st February 2024

Mr Stephen J & Mr David J Cox
Laburnum House Hotel
4 Sloway Lane
West Huntspill
Highbridge
TA9 3RJ

Dear Messrs Cox

WARNING – UNAUTHORISED SALES OF ALCOHOL

Premises: Laburnum House Hotel, Highbridge TA9 3RJ

Premises Licence No: **SDCTA6/4704**

I am writing to you as Premises Licence Holders and Designated Premises Supervisor of the above premises.

I refer to my visit to the premises on the 14th November 2023 to inspect the shop premises that was selling alcohol. I had been requested to conduct a visit by Sergeant Hardaway. On arrival my findings were as follows:-

- In a reception area adjacent to the premises staff and your Manager Mr Deakcun Britton advised me that there was no shop which I later found out to be untrue and I am told by colleagues that the shop had been selling alcohol for some time.
- It was apparent during my visit and as already advised to me by my colleagues, that the site is not being run as a Hotel as per the licence but as an HMO for Bulgarian Nationals on a long term basis, which I understand also breaches planning regulations.
- I witnessed a Gaming Machine in operation in this reception area at the time of my visit which breaches s.242 of the Gambling Act 2005.
- Mr Stephen Cox took me in to the licensed area on the plan and showed me the old Hotel Bar and reception area and pointed out a function room and swimming pool which were no longer in use and disused. He said the premises had not been used for some time. He also told me that there was no shop. There was no licence displayed and he advised that it had been misplaced. There was no alcohol on display in this area. During our discussion you made me aware of disorder on the premises by the residents and also mentioned children being left unattended, and Gangmasters attending the premises which was concerning. In

Appendix G

approx the last 12 months you have made 7 calls to the police about alleged incidents of crime & disorder occurring on the premises.

- Staff had directed me to some portakabins and a café outside of the licensed area known as the “Escape Rooms” which I understand is owned and run by an independent third party. Mr Stephen Cox accompanied me to these premises and the tenant advised me that he sold alcohol to his customers and sometimes gave it away as part of the admission fee to the escape rooms. There was no licence displayed and he did not have a copy. He was unable to provide any authority or consent, which would authorise any sale of alcohol within this area. The Premises licence holders were aware of the sale of alcohol outside of the licensed plan and had allegedly allowed the tenant to pay the license fee, advising him that he could sell alcohol.
- Mr Stephen Cox advised me that they had consented to him selling alcohol from that area which falls outside of the license plan and I advised you at that time that any sale of alcohol was unlawful.
- It was apparent during this visit, that all persons spoken to were unaware of the law and responsibilities under the Licensig Act 2003.
- You were given advice regarding the licensed area and where alcohol could be sold.
- During this visit Mr Stephen Cox advised me that he did not want the licence, did not need it and nor did he want the machines and to take them away.
- I have subsequently followed this up by email on the 15TH December 2023 requesting surrender of the premises licence and clarifying the licensed area.
- To date you have not surrendered the licence as requested and agreed during our visit but mentioned a variation of the licence instead. PC Jones has advised me that you have told her that you will not be surrendering the licence.

The Premises licence as numbered above was issued for a Hotel & Restaurant Premises only and I am aware that the site is not being run as a Hotel. My definition and interpretation of a “Hotel” would be described as “*an establishment that provides paid lodging on a short term basis*”.

On 21st July 2005 Ash Clifford applied on your behalf for the licence to be converted to a Premises Licence and on the application form the premises is described as “*Detached Hotel & Restaurant (also open to non-residents). All Licensable activities take place on ground floor of building with guests staying in lodges in grounds*”. We have not received any variations to this application since 2005. I understand there are 61 lodges and some additional unlicensed caravans. The Hotel within the licensed area has been unused for some time and it was unfurnished during my visit and appeared “derelict”. There is a notice dated 12th August 2021 on the hotel website stating that your hotel is closed for holiday bookings until further notice. I am also aware of a current planning application for a change of use and a subsequent objection from Somerset Council strategic housing giving further details about the premises and breach of it’s use. Other residents have commented that the premises has not been used as a hotel in over 3 years.

Following my visit my colleague PC Tracey Jones conducted a further visit on the 22nd January 2024 and her findings were as follows:-

- Having told me there was no shop, PC Jones was taken to the same shop area that she knew to be trading as a shop. There was a limited stock of alcohol including 10 bottles of red wine selling for £10.00 per bottle and despite my advice regarding the licensed area. This

Appendix G

constitutes continued unauthorised sales or displaying alcohol for sale which is an offence under s.137 of the Licensing Act 2003. A male named Mattios was working in the shop and he had no understanding of licensing law. There was no “due diligence” in place such as staff training. PC Jones was advised that Mattios had set up the shop with Deakcun Britton who had previously advised me that there was no shop. The shop was located next to the reception “service area” which contains the laundry facilities. PC Jones provided me with it’s location on a plan.

- During this visit Mr Britton arrived and advised PC Jones he did not know where the licence was and had told Mattios not to sell alcohol. Mr Britton said he did not tell me about the shop as it was not up and running at that time (14/12/23) which we know to be untrue.
- Mr Britton was advised to move the alcohol into the licensed area but chose to dispose of it. He then poured it down a drain in front of PC Jones.
- Mr Britton advised PC Jones that when Hinkley workers take over they will be running the shop as a Nasa premises but the shop area is outside of the licensed area.
- I understand there is a second gaming machine in the shop area which would be unlicensed and a further offence under s.242 of the Gambling Act 2005.
- On a subsequent visit PC Jones has witnessed a supply of alcohol in the old Hotel Bar.
- On 13th December 2023 and 14th February 2024 you have been advised by Devon & Somerset Fire Service that your Fire Risk Assessment at the premises was deemed not suitable or sufficient.

On 21st February 2024 I have telephoned you to discuss the contents of this letter before sending it to you but you refused to discuss anything with me in a civil manner. You have stated that you are no longer selling alcohol and were unaware of the ongoing alcohol sale/display of alcohol in the shop.

I am also in receipt of an application to vary the Designated Premises Supervisor to yourself but we will be making representations in that respect and referring the decision to the Licensing Authority in view of the offences outlined herein.

As you are aware, unauthorised sale of alcohol is an offence under section 136 of the Licensing Act 2003 and despite being advised, unauthorised sale of alcohol has continued. The maximum penalty under the legislation for responsible persons or management bodies of licensed premises is an unlimited fine &/or six months imprisonment.

It is very apparent during these visits that you and your staff have no regard for the law and your responsibilities under the Licensing Act. In this particular instance the following action will be taken:-

- A record of these breaches will be kept on the premises licensing file and may be cited in any future proceedings.
- A copy of this letter has been forwarded to the Licensing Authority at Somerset County Council.
- Further licensing checks will be carried out.
- We will not consider any variations to the Premises Licence until the premises is fully compliant with all relevant legislation including Planning and Fire regulations. The business use of the premises must be fully clarified so that appropriate conditions can be proposed

Appendix G

otherwise allowing licensable activities to continue would undermine the licensing objectives.

- We strongly advise you to cease any alcohol sale and remove all alcohol from the premises.
- You must cease use of gaming machines outside of licensed areas.
- Please return a signed copy of this letter to me within the next 7 days. The letter requires signature by both premises licence holders to acknowledge that they have read and understood the contents.

I acknowledge receipt of this letter. I understand that a record will be kept on the premises licensing file and failure to rectify the above breaches will result in a review of the premises licence.

Signed.....Stephen Cox (PLH)

SignedDavid Cox (PLH)

Dated.....

Issuing Officer Nicola Cooper 8820

Dated 21st February 2024

**Nicola Cooper – District Licensing Officer
Avon & Somerset Constabulary
Taunton & West Somerset**

CC Somerset Council Licensing Authority