
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

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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