



**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 9<sup>th</sup> 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 13<sup>th</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 14<sup>th</sup> 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.

When drafting these representations, I have referred also to Somerset Council's Statement of

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 8<sup>th</sup> 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)**