



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

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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

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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

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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

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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