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## Consideration of an application for a Premises Licence in respect of Wookey Hole Hotel

**Author:** Jack Godley

**Email:** [jack.godley@somerset.gov.uk](mailto:jack.godley@somerset.gov.uk)

**Telephone:** 01749 341453

**Applicant:** Wookey Hole Ltd

**Premises Name:** Wookey Hole Hotel

**Premises Address:** Wookey Hole, Wells, BA5 1BA

### Introduction

1. An application was submitted for the grant of a premises licence by Wookey Hole Limited, on 15th February 2024. The application can be found at **Appendix 1**, the plan can be found at **Appendix 2** and proposed conditions from the operating schedule can be found at **Appendix 3**. The application is for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.
2. The hotel holds a current premises licence, but the applicant wishes to amend the hours for licensable activities and include the provision for off sales. On reflection they decided to apply for a new licence rather than a variation, comparison between the current licence and the new application can be seen below. The current licence can be found at **Appendix 4**.
3. The Wookey Hole Hotel opened in 2010 and operates year-round providing 58 ensuite standard double and luxury family rooms. The hotel is situated within the village of Wookey Hole and is part of the renowned tourist attraction, Wookey Hole Caves. The hotel has a restaurant and bar which is open daily for non-residents as well as guests visiting the tourist attraction and caters for other events such as weddings, theatre shows and corporate engagements.

### Proposed Licensable Activities

Licensable Activity	Days	Start Time	Finish Time	
<b>Supply of Alcohol</b>	Every Day	06:00	02:00	On & Off Sales
<b>Regulated Entertainment</b> Plays & Indoor Sporting Events	Every Day	06:00	00:00	Indoors only
Films, Live Music, Recorded Music & Performance of Dance	Every Day	06:00	02:00	Indoors only
<b>Late Night Refreshment</b>	Every Day	23:00	05:00	Indoors only

### Current Licensable Activities

Licensable Activity	Days	Start Time	Finish Time	
<b>Supply of Alcohol</b>	Sun – Thurs Fri & Sat	09:00 09:00	00:00 02:00	On Sales Only
<b>Regulated Entertainment</b> Plays, Indoor Sporting Events, Live Music, Recorded Music & Performance of Dance	Sun – Thurs Fri & Sat	08:00 08:00	00:00 02:00	Indoors and Outdoors
Films	Sun – Thurs Fri & Sat	08:00 08:00	00:00 02:00	Indoors only Indoors only
<b>Late Night Refreshment</b>	None			

### Reason for referral to Licensing Sub-Committee

1. A total of 8 representations have been received from “Other Persons” against this application.
2. An overview of representations can be found at **Appendix 5** and the representations can be found at **Appendix 6 – 13**
3. The representations raise concerns in relation to all 4 of the Licensing Objectives.

### Relevant Observations

1. No representations have been made by any Responsible Authority.

## Legal Implications

### **The Live Music Act 2013 and the Legislative Reform (entertainment licensing) order 2014**

Live and Recorded Music is deregulated between 08:00 and 23:00 on premises authorised to sale alcohol on the premises, subject to a maximum audience of 500 persons.

The Licensing Authority has the power to remove the exemptions but only if and when it carries out a formal Review of the Premises Licence.

## Decision Making Process

The Sub-Committee must consider this application on its own merits and from the information contained within the application and this report.

Members are reminded that the duty of the Licensing Authority is 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 policy is available on request and from the Somerset Council website [Licensing Policies and Policy Consultations \(somerset.gov.uk\)](http://somerset.gov.uk)

The options available to the committee are 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.

The Licensing Authority recognises that most Licence Holders seek to follow the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly firm action will be taken.

## **Right of Appeal**

All relevant parties to the decision of the Licensing Authority have 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.

## **Appendices**

Appendix 1 – Application

Appendix 2 – Plan of Premises

Appendix 3 – Proposed Conditions

Appendix 4 – Current Licence

Appendix 5 – Overview of Representations

Appendix 6 – Representation Davey & Babb

Appendix 7 – Representation Bates

Appendix 8 – Representation White

Appendix 9 – Representation Wanklyn

Appendix 10 – Representation Oakes

Appendix 11 – Representation Winfield

Appendix 12 – Representation Tetley

Appendix 13 – Representation Passant & Cockett

**END OF REPORT**