

# Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Monday, 19 February 2024 at 10.00 am

## **Present:**

Cllr Simon Carswell (Chair)  
Cllr Marcus Kravis (Vice-Chair)

Cllr Martin Lovell

## **In attendance:**

Owen Barratt	Applicant
Lesley Dolan	Lawyer
Olivia Denis	Licensing & Business Support Officer
Jack Godley	Senior Licensing & Business Support Officer
Steve Horler	Representee
Robert Horler	Representee

## **27 Appointment of Chair for the Sub-Committee - Agenda Item 1**

Councillor Simon Carswell was proposed by Councillor Marcus Kravis and seconded by Councillor Martin Lovell and duly appointed.

## **28 Apologies for Absence - Agenda Item 2**

There were none.

## **29 Declarations of Interest - Agenda Item 3**

There were none.

## **30 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4**

The Licensing Sub-Committee noted the procedure to be followed when considering

Licensing Applications under the Licensing Act 2003. The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair announced that he would be changing the order of speaking so that the Applicant, would follow the Licensing Officer. The Responsible Authorities and Other Persons would follow in that order.

The Chair confirmed that the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting.

**31 Consideration of an application for a Premises Licence in respect of Owen's Sausages and Hams Limited, Unit 3, 3 Station Approach Industrial Estate, Station Approach, From, BA11 1RE - Agenda Item 5**

The Licensing & Business Support Officer presented her report and highlighted the following:

Owen's Sausages and Hams Limited was a delicatessen style Sausage Bar and Kitchen. The premises had recently undergone renovation, including building of the new sausage kitchen. The proposed licensable area covered the ground floor only, and the outside yard to the rear of the building. The space would be used primarily as a dining area for customers.

The premises were located towards the rear of a large building, which contained other licensed premises. The building is situated close to Frome Train Station, on the Station Approach Industrial Estate.

The applicant had applied for a premises licence in order to sell alcohol on and off the premises as detailed below.

<b>Licensable Activity</b>	<b>Days</b>	<b>Start Time</b>	<b>Finish Time</b>
<b>Supply of Alcohol</b> (either on or off the premises)	Monday - Sunday	09:00	23:00
<b>Hours Premises are open to the Public</b>	Monday - Sunday	09:00	23:30

During the representation period agreement was reached between the Applicant and the Avon and Somerset Constabulary as to conditions to be attached to the licence, with the Applicant also offered conditions through the Operating Schedule set out at Section M of the application. The agreed conditions and those offered up by the Applicant were all set out at **Appendix 3** to the agenda papers.

No representations were received from any Responsible Authority.

One representation had been received from an Other Party, Frome Reclamation Limited, Mr Steve Horler. A copy of the representation received can be found at **Appendix 4**.

The Applicant was then invited to make his submission and he stated that:

- He was a chef who opened a small business and required a premises licence to support the sale of his food.
- There were two aspects to his business – he took one pig a month and provided retail packaged products and also hotdogs and sausages and mash. There were tables and chairs within the premises where patrons could sit and eat, but he did not provide table service.
- All food was ordered and collected from the bar where he served everybody.
- He had no outside seating at the present time, but this may change when the weather was warmer.

When questioned about Condition 18, the Applicant confirmed that all outside furniture would be brought indoors overnight.

When questioned by the representatives of the Other Party about a function that took place at the premises on the 2 February where the back doors of the building were open and alcohol was being served until 04:00, the Applicant advised the Sub-Committee that this event was facilitated by another proprietor in the building and was nothing to do with him. He left the building at 21:00.

When questioned by Councillor Kravis, the Other Party's representative confirmed that he had no evidence that suggested that the Applicant was responsible for this event.

The Licensing Officer confirmed that a noise complaint had very recently been received about the event on the 2 February.

The issues raised by the Other Persons' related to health and safety issues with the use of the outside area, articulated lorries reversing in that area as no measurements had been provided (Appendix 3 of the agenda papers) and the fact that there was an oil burner that needed to be higher and was re-fuelled by a tanker that had to reverse up to it and a smoker that was not protected as well as the fact that foul water was taken across the tarmac and into a storm water drain.

Mr Horler said that he had reported these concerns to Environmental Health and to Health and Safety and had received no response.

The Licensing Officer advised the Licensing Sub-Committee that the application for a premises licence had been sent to the Food Safety Officer, Public Safety, Environmental Protection, Planning and the Fire and Rescue Service. None of the above parties have lodged a representation to this application.

Further concerns from Mr Horler was that the Applicant was intending to serve drinks on two areas that were not covered in his lease.

The Licensing Officer explained the position of licensing pursuant to the Act - the fact that the proposed licensable areas may not be included in an Applicant's lease were not a consideration for the Sub- Committed. Where a premises licence is granted for an area, it is for an Applicant to secure all other relevant consents in respect of the areas which are intended to operate as licensed premises under the Act.

Added concerns were expressed about conditions agreed with the Police not being enforceable and that there was nothing to stop patrons walking all over the estate.

The Chair advised that it was a matter for the Police to monitor and enforce the conditions that they had agreed with the Applicant. The Licensing Officer confirmed that the Licensing Authority worked very closely with the Police Licensing Officer and if issues began to arise, the Licensing Authority and the other Agencies involved would work with the Applicant to prevent escalation of those matters of concern.

Mr Horler reported that he had a covenant in place with the Landlord of the building where the Applicant's premises were located, regarding closure of the security gate. He surmised that this had been breached by the Applicant because, as he pointed out, the gate was located at the top of the lane that ran down the side of the building in which the Applicant's premises were located. He said that by agreement with the Landlord of the building, his company closed the gate at 20:00 as there had been frequent breaking and entering into the building and this has made a considerable difference. He also advised that he hires a security guard.

- All conditions to be added to the licence, should it be granted, could be seen at **Appendix 5.**
- A map showing the location of the premises could be seen at **Appendix 6.**  
All parties were reminded that there was a right of appeal against the decision of the Licensing Authority's pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination and should be made to the Magistrates' Court.

All parties were reminded of the procedure contained within the Licensing Act 2003 which related to review of the premises licence. This provision permitted nearby residents, or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance, or the protection of children from harm were occurring. The Panel respectfully reminded all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermined the licensing objectives.

All parties confirmed that they were satisfied with the conduct of the hearing.

Members of the Licensing Sub-Committee, the Legal Officers and the Democratic Services officer, attending in an advisory capacity only, remained in the meeting and all other officers and applicants withdrew to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Officer.

On reconvening, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

## **RESOLVED**

The Sub-Committee returned and delivered their decision that on the evidence before it, having considered all the circumstances, they grant the application for a Premises Licence as applied for together with the Conditions that the Applicant had agreed with the Police and the conditions it had offered up through the Operating Schedule in Section M of the application, all of which were set out in Appendix 5 of the agenda papers.

**(The meeting ended at Time Not Specified)**

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**CHAIR**