
Objections received in respect of an application for a premises licence for The Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ.

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllr Simon Carswell – Chair Licensing & Regulatory Sub-Committee

Lead Officer: Phil Wake – Licensing and Business Support Officer

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Summary / Background

1. To inform members that an application for a premises licence was submitted under the Licensing Act 2003. The application can be seen at Appendix 1, a plan of the premises can be seen at Appendix 2.
2. The application is for the sale by retail of alcohol, 09:00 – 00:00 7 days a week. The opening hours applied for are 09:00 – 01:00 7 days a week.
3. An objection has been duly served by Nicola King on behalf of the Chief of Police for Avon and Somerset Constabulary. The objection can be seen in Appendix 3. There are also 5 objections from members of the public, they can be seen at the following appendices:
 - Rosalynde Marshall – Appendix 4
 - Ina Cola – Appendix 5
 - John Devane – Appendix 6
 - Antoinette Jordan – Appendix 7
 - Brian and Jayne Douth – Appendix 8

Recommendations

4. The Licensing Sub-Committee must decide to do one of the following:
 - To grant the application as applied for
 - To grant the application with conditions
 - To refuse the application

Reasons for recommendations

5. There is statutory duty to consider the options above.
6. In determining an application with a view to promoting the licensing objectives in the overall interests of the community, the Sub Committee must have regard to and give appropriate weight to the following considerations:
 - Any objection (including supporting documentation received)
 - Guidance issued under s182 of the Act
 - The Mendip Statement of Licensing Policy published in January 2021
 - The steps necessary to promote the licensing objectives
 - Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1
7. The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision-making process. The licensing objectives are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

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 Licensing Act 2003 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.

Legal Implications

11. The Licensing and Business Support Officer has determined that the representations submitted by Avon and Somerset Constabulary and members of the public are relevant. It is, therefore, the duty of the Sub-Committee to determine the application with regards to the licensing objectives. The issue for the Sub-Committee is whether or not the application undermines the licensing objectives as claimed by the representations.

12. All parties are entitled to appeal the decision of the Sub-Committee. Any appeal must be made to the Magistrate's Court within 21 days of the decision notice.

HR Implications

13. None.

Other Implications

14. None.

Equalities Implications

15. None.

Community Safety Implications

16. None.

Climate Change and Sustainability Implications

17. None.

Health and Safety Implications

18. None.

Health and Wellbeing Implications

19. None.

Social Value

20. The contents of the report do not relate to a procurement process, therefore there are no social value implications.

Scrutiny comments / recommendations

21. 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

22. An application for the grant of a premises licence was received by the Authority on 24th March 2023. The consultation period had to be restarted due to the site notice not being displayed, therefore the consultation period ended on the 1st May 2023.

The application is for the sale by retail of alcohol 09:00 – 00:00, with opening times of 09:00 – 01:00 7 days a week. As the application is for alcohol to be

consumed on the premises, live music and recorded music would be deregulated between the hours of 09:00 and 23:00.

The Authority received 10 objections, 9 made by members of the public and 1 made by Avon and Somerset Constabulary.

Through discussions, and a site visit on the 3rd May 2023, 4 members of the public withdrew their objections. 6 objections were unable to be resolved during the consultation period, therefore the matter is for the Licensing Sub-Committee to determine, collectively the objections relate to all 4 Licensing Objectives.

Proposed Activities and Timings

23. The proposed activities and timings are detailed below

Proposed Activities and Hours Day	Start Time	Finish Time	Licensable activity requested	Nature of Premises
7 days a week	09:00	00:00	The sale by retail of alcohol	B&B serving food with a bar area

Relevant Observations

24. At the time of writing this report there have been no agreed conditions.

Further Information

25. None.

Background Papers

The Licensing Act 2003

The Licensing Act 2003 (Hearings) (Regulations) 2005 No. 44

The Latest Guidance issued under section 182 of the Licensing Act 2003

The Mendip Statement of Licensing Policy published in January 2021

Appendices

- Appendix 1 Application for a Premises Licence to be Granted
- Appendix 2 Plan of the premises
- Appendix 3 Objection submitted by the Police
- Appendix 4 Objection submitted by Rosalynde Marshall
- Appendix 5 Objection submitted by Ina Cole
- Appendix 6 Objection submitted by John Devane
- Appendix 7 Objection submitted by Antoinette Jordan
- Appendix 8 Objection submitted by Brian and Jayne Douch

Report Sign-Off (if appropriate) (internal use only - not for publication)

	Officer Name	Date Completed
Legal & Governance Implications	Not applicable	
Communications	Not applicable	
Finance & Procurement	Not applicable	
Workforce	Not applicable	
Asset Management	Not applicable	
Executive Director / Senior Manager	Not applicable	
Strategy & Performance Executive Lead Member	Not applicable	
Consulted:	Councillor Name	
Local Division Members	Not applicable	
Opposition Spokesperson	Not applicable	
Scrutiny Chair	Not applicable	