

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, 15 May 2023 at 12.00 pm

Present:

Cllr Simon Carswell (Chair)

Cllr Tony Lock

Cllr Brian Smedley

1 Apologies for Absence - Agenda Item 1

There were no apologies for absence.

2 Declarations of Interest - Agenda Item 2

There were no declarations of interest made by Members.

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

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 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.

4 Objection Notice received in respect of a variation to a premises licence for French General Trading, 2A Church Street, Frome, BA11 1PW - Agenda Item 4

The police and the applicant had been able to agree conditions that satisfied both parties, therefore as there were no other Representations to consider, this application was withdrawn from the agenda.

5 Objection Notice received in respect of an application for a premises licence

for The Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ - Agenda Item 5

The Licensing Officer introduced the report in respect of the Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ.

The Sub-Committee were advised that the consultation period had to be restarted due to the site notice not being displayed. The consultation period ended on 1 May 2023. The application before the Licensing Sub-Committee was for a new application for the sale by retail of alcohol from 09:00am to 00:00am, seven days a week and for opening hours to be from 09:00am to 01:00am seven days a week. The application was for alcohol to be consumed on and off the premises, live music and recorded music would be de-regulated between the hours of 09:00am to 23:00pm.

The applicant and Avon and Somerset Constabulary had agreed Conditions and the Constabulary had withdrawn its Representation. Similarly, 4 Other Persons, had withdrawn their Representations following a site visit with the applicant on the 3 May 2023. The Licensing Officer confirmed that the Conditions agreed with the Avon and Somerset Constabulary had been circulated to all parties in advance of the hearing.

5 Representations were unable to be resolved, and the application was therefore to be determined by the Licensing Sub-Committee.

John Devane spoke on behalf of all the objectors from Portway and referred to the Representations in the Agenda papers which detailed their concerns, and he noted the fact that the Sheep & Penguin is situated in a highly populated residential area and they also have an outdoor space. Everything said in that area can be heard by the neighbouring properties, even inside their own homes if their windows are open.

In response to questions from the Chair, the Licensing Officer confirmed that the application was for the whole premises including the outside space.

Furthermore, in response to the Representations presented by the Other Persons, the applicant confirmed that it was previously agreed with the Avon and Somerset Constabulary that the outside area would be closed at 23:00pm.

The outside wall built completely around the area, was built at a height of 2.2 meters, on the advice of Environmental Protection for Noise Control and in compliance with conditions imposed by Planning.

It was further confirmed by the applicant that the intention for the Sheep & Penguin

was that it would provide level of service, and food to customers and would not be on the same level as a pub in general, but rather a better class of service. Therefore, in retrospect it would not be as noisy as a typical pub. Prices would be higher than normal and that would go hand in hand with the higher end clientele.

The applicant further pointed out that they employed a Michelin star chef, proving the level of class expected by patrons. They had done the same thing in their other establishment in Chew Magna where they had a very good reputation engaging with the community.

It was further noted that a bed and breakfast was a key part of the establishment with high quality rooms. If there were people staying in the rooms wanting to enjoy a good night's rest, they were not going want loud boisterous premises.

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

Members of the Licensing Sub-Committee, the Legal Officer and the Democratic Services Officer, attending in an advisory capacity only, remained in the meeting and everyone else in attendance withdrew to allow the members of the Sub-Committee to consider their decision in private.

On reconvening, the Chair informed those present of the decision of the Licensing Sub-Committee and further reminded all parties present that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Decision Notice.

RESOLVED:

The Licensing Sub-Committee APPROVED the application for a premises licence for The Sheep & Penguin, 1-2 Tucker Street, Wells, BA5 2DZ with the conditions agreed between the applicant and the Avon and Somerset Constabulary, being endorsed upon the licence together with a further condition that signage must be displayed at the premises informing the patrons that they must be to be considerate to neighbours.

The above summary of outcome will be followed by a full written Decision Notice within 5 days.

(The meeting ended at 2.45 pm)

.....
CHAIR