
Representations against the Variation of a Premises Licence under the Licensing Act 2003

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Applicant: Scarlett Pub Company Limited

Premises Name: The White Hart Inn

Premises Address: 19-21 Sadler Street, Wells, Somerset, BA5 2RR

Introduction

1 An application for a variation to the current Premises Licence has been received by this Authority to amend the hours for the Sale of Alcohol, Regulated Entertainment and Late-Night Refreshment. A copy of this application can be found at **Appendix 1** and a summary of the timings applied for can be seen in the table below.

The White Hart is a 15th century Inn located in the City Centre of Wells. On the ground floor there is a bar area and a snug, (which can accommodate up to 12-people) there is a large self-contained function room situated on the first floor, (which can accommodate up to 80-people). Finally, there are 15-bedrooms for guest accommodation and an outside seating area to the side of the premises. The premises is surrounded by a mixture of shops, businesses, restaurants, hotels, and residential homes. A map of the area can be found at **Appendix 2**.

Licensable Activities

Licensable Activity	Days	Start Time	Finish Time
Supply of Alcohol (On and Off the Premises)	Monday – Sunday	10:00	01:00
Regulated Entertainment (Indoors)	Monday – Sunday	10:00	01:00
Late Night Refreshment (Indoors)	Monday – Sunday	23:00	01:00

Reason for referral to Licensing Sub-Committee

- 2 Four representations were received against the application.

Copies of the representations can be found at **Appendix 3 - 6**.

The representations raise concerns surrounding public nuisance, one of the four licensing objectives.

Contact was attempted to all residents who submitted a representation by a Licensing Officer on two separate occasions. No response has been received from three residents to the offer of discussing the variation application in more detail.

Relevant Observations

- 3 This application is to increase the times that the premises can supply alcohol, have live and recorded music and offer late night refreshment by an extra hour. The current terminal hour for these activities is 12-Midnight.

There has been no request to remove any of the current conditions on the licence, however, there has been a request to add a new condition in relation to 'Challenge 25'. A copy of the current licence can be found at **Appendix 7**.

This variation application is in keeping with other premises in the immediate vicinity of Sadler Street. For example, The Courtyard Restaurant has a licence to supply alcohol Monday to Thursday until 01:00, Friday and Saturday until 02:00 and Sunday until 12-midnight, Live and Recorded Music (indoors) Monday to Thursday until 00:30, Friday and Saturday until 01:30 & Sunday until 12-midnight. The Swan Hotel has a licence to supply alcohol Monday to Saturday until 01:30 and Sunday until 23:00, live and recorded music (indoors) Monday to Sunday until 01:00.

This Authority has no record of any public nuisance complaints against these premises, and the Environmental Protection Team have raised no objections to this application.

Avon and Somerset Police Liquor Licensing made recommendations to the applicant during the representation period, these recommendations have been agreed and will be added to the premises licence as conditions. A copy of these conditions can be found at **Appendix 8**.

Legal Implications

- 4 **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

- 5 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

- 6** 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

- 7** Appendix 1 – Application for a Variation to a Premises Licence

Appendix 2 – Map of surrounding area

Appendix 3 – Representation

Appendix 4 – Representation

Appendix 5 – Representation

Appendix 6 – Representation

Appendix 7 – Copy of Current Premises Licence

Appendix 8 – Police Recommendations, agreed conditions to be added to the licence

END OF REPORT