

LICENSING BOARD SUB-COMMITTEE

Date: 09 July 2020

PREAMBLE

Mendip District Council is the Licensing Authority for the Mendip area in connection with the Licensing Act 2003 ('the 2003 Act').

The Licensing Authority has a duty to promote the Licensing Objectives in its decision making process and these are the sole grounds for determining any application. These objectives are as follows:-

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

PREMISES LICENCE – THE BELL HOTEL

Type of application: **APPLICATION FOR A REVIEW OF A PREMISES LICENCE**

Licensing Reference Number: **PRL0030**

Address: **3 HIGH STREET, SHEPTON MALLET, SOMERSET, BA4 5AA**

APPLICATION

The application to be considered by the Sub-Committee is for the review of the premises licence granted in respect of The Bell Hotel, 3 High Street, Shepton Mallet, Somerset, BA4 5AA. The application, which was made pursuant to section 51(1) of the Licensing Act 2003, is attached as **APPENDIX 1**. The application has been made by Avon and Somerset Constabulary, as a responsible authority, and it relates to the; prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives. The grounds for review are set out in pages 3 - 8 of the application.

Additionally, supplementary information to support the application is attached at; **ANNEX A**. Fire Service Notice served on Mr Michael Taff with effect from 3rd July 2019 outlining measures needed to be taken within 6-months at the premises. **ANNEX B**. Photographs showing fire damage at the premises sustained on 5th June 2020. **ANNEX C**. Photographs showing remnants of a white powder in the rear back yard of the premises. **ANNEX D**. Photographs showing Nitrous Oxide 'nos' Canisters seen inside the premises. **ANNEX E**. A statement from PC Simpson which refers to police visits. **ANNEX F**. A further statement from PC Simpson which refers to more recent interactions with Mr Michael Taff.

The application was served on Mendip District Council (the Licensing Authority) on 10th June 2020 and copies were also served on the premises licence holder and all responsible authorities.

The Licensing Authority advertised the application in the Council Offices and on the Council's website. Notices were also displayed on the outside of the premises to which the application relates for 28-days for any persons who may wish to make a representation about the application, in accordance with Regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

The Licensing Authority were notified that notices advertising the review at the premises had been removed on 18th June 2020. These were replaced immediately by the Licensing Officer, frequent checks have been made by the Licensing Authority during the remaining 28-day period to ensure the notices remained on display.

The period during which responsible authorities and other persons could have made representations to the Licensing Authority about the application began on 11th June 2020 and ended on 08th July 2020.

During the consultation period we received a response from Devon and Somerset Fire Service, confirming information detailed in the review application, this is attached at **APPENDIX 2**, a response from Somerset Children's Social Care this is also attached at **APPENDIX 3**.

Avon and Somerset Constabulary request that consideration is given to the revocation of the premises licence in its entirety, as it considers to allow the premises to continue to trade whilst conditions attached to the licence are being breached, which results in the failure to promote all 4-main licensing objectives, will allow for serious crime and/or disorder to take place, which will result in serious threat to public safety, which could result in a risk to life. It is not for the Sub-Committee to seek to determine guilt or innocence but to ensure that the licensing objectives are being promoted.

BACKGROUND

The premises licence was first granted in respect of The Bell Hotel, 3 High Street, Shepton Mallet, Somerset, BA4 5AA on 05 November 2005 and was transferred to Mr Michael Taff on 24th February 2015. The Designated Premises Supervisor was also varied to Mr Michael Taff at the same time. Mr Michael Taff holds a Personal licence with Mendip District Council.

The current premises licence is attached as **APPENDIX 4**, a plan of the premises is attached at **APPENDIX 5** and a map of the area surrounding the premises is attached as **APPENDIX 6**.

POLICY CONSIDERATIONS

In its decision making process, the Licensing Sub-Committee must have regard to the following:-

- Licensing Act 2003
- The Statutory Guidance issued under Section 182 of the 2003 Act, (revised October 2014).
- Mendip District Council's Statement of Licensing Policy. The policy is available on request and from the Mendip District Council website at <http://www.mendip.gov.uk/CHttpHandler.ashx?id=2046&p=0>

DECISION MAKING PROCESS

The Licensing Sub-Committee must act within its delegated powers under the 2003 Act and have regard to the Statutory Guidance and the Council's Statement of Licensing Policy.

The Sub-Committee must consider the application and the representations made about it, and take such of the steps detailed below (if any) as it considers appropriate for the promotion of the licensing objectives. The options available to the Sub-Committee are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

For the purpose of (a) above, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added. If the Sub-Committee takes a step set out in (a) and/or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

In all instances the Sub – Committee must give reasons for its decision in writing.

By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect:

- (a) until the end of the period given for appealing against the decision (see "**RIGHT OF APPEAL**" below), or
- (b) if the decision is appealed against, until the appeal is disposed of.

RIGHT OF APPEAL

The applicant for the review of the premises licence, the holder of the premises licence and any party that made a relevant representation have a right of appeal to the Magistrates' Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

Report produced by:

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