

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Virtual Meeting via Zoom meeting software on Thursday 25 June 2020.**

(10.00 - 11.07 am)

Present:

Members: Linda Vjeh (Chairman)

Jeny Snell

Martin Wale

Officers

Jo Morris

Case Officer (Strategy & Commissioning)

Becky Sanders

Case Officer (Strategy & Commissioning)

Rachel Lloyd

Specialist - Licensing

Ann Chislett

Specialist – Legal

Amy Harrison

Case Officer (Strategy & Commissioning)

Note: All decisions were approved without dissent unless shown otherwise.

The Chairman advised that the Committee was now a full decision making meeting, held under the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

12. **Declarations of Interests (Agenda Item 1)**

There were no declarations of interest.

13. **Procedure to be followed when considering licensing applications under the Licensing Act 2003 (Agenda Item 2)**

The Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chairman 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.

It was confirmed that no representations had been withdrawn.

14. Representation following the Application for a New Premises Licence at Apple HQ, Shepton Montague, BA9 8JP (Agenda Item 3)

The Specialist – Licensing presented the report. She informed members that an application had been received from Oliver Dowding and Jane O’Meara for a premises licence at Apple HQ, Shepton Montague, BA9 8JP. She advised that the applicants had applied for the supply of alcohol for consumption both on and off the premises, 7 days a week starting at 8.00am and finishing at 7.00pm with the opening hours the same as for the supply of alcohol. The applicants had put forward some steps that they would follow to comply with the licensing objectives which included staff training, following a challenge 25 proof of age policy and restricting the consumption of alcohol to small sample tasting at the premises. The Specialist – Licensing said that she had received three representations against the granting of the application and in addition received further documentation to which the applicant had responded. She confirmed that the required notices had been displayed and advertised in a local newspaper for the requisite period.

At this stage of the hearing, there were no questions raised by members.

The Sub-Committee was addressed by the Applicant in support of his application. He informed members that his business produced apple juice and cider which took place at his new premises built last September. The premises was built knowing it was going to be a cider producing building and the application would allow the cider to be moved off the premises. From time to time there would be some customers that would want to collect cider from the premises and there could on occasions be customers who would want to taste before they buy; this would be the only time that alcohol would be consumed on the premises without a temporary event notice. Most of the cider produced would be distributed off to shops, restaurants and through mail order and the hours requested would allow flexibility in getting cider off the premises.

The Sub-Committee was then addressed by two people representing ‘Other Parties’ in objection to the application. Points raised related to following:

- The processing plant was immediately adjacent to residential properties and a public right of way within 50 metres of it;
- There was no street lighting within the village;
- The planning application although approved was highly controversial;
- There were limited parking spaces;
- The live music box had been ticked on the application but no details completed;
- There was no limit on the number of people attending;
- Only samples would be served inside the premises, there was no limitation on the sale of alcohol outside the premises;
- In terms of prevention of public nuisance, planning limited the operation of the industrial site to Monday to Saturday in the interest of residential amenity – extending to Sunday would automatically create public nuisance;
- The proposed music would create public nuisance;
- Exterior lighting which was specifically prohibited by planning to protect visual amenity would create public nuisance;
- Increase in traffic movements and noise would create public nuisance;
- No health and hygiene facilities on the site and no planning consent to install toilets;
- Access to the premises was an unlit and unpaved road with a dangerous exit into the crossroads. There was potential for road traffic collisions;

- 11 hours of alcohol consumption, 7 days a week, 365 days a year was not conducive to public order;
- Concerns over the security of private houses adjacent to the premises;
- Concerns in relation to a breach of the planning permission including the erection of signage without planning permission;
- The premises was an industrial building and not designed for the sale of alcohol;
- The licensable activities and hours applied for would give the applicant permission to carry out far more in the future than he currently intended;
- Concerns over significant increase in traffic that was nothing to do with agricultural development. The type and volume of increased traffic because of the operating hours would constitute a public nuisance;
- Complaints regarding past events held in the vicinity of the barn had been made to the Parish Council;
- The building was designed to contain machinery for processing and bottling of apples and also the storage of agricultural machinery, both of which would constitute a safety issue if the building was open to members of the public.
- Chemicals and broken glass had been left by the applicant close to a hedge adjoining the nearest property;
- The applicant already had a licence in another part of the village.

The Specialist - Legal confirmed that planning matters were dealt with under a separate regime to licensing and could not be considered by the Licensing Sub Committee. She also advised that representations should only be made on how the granting of the licence would affect the person making those representations.

In response to questions and comments, members were informed of the following:

- The other licence held by the applicant had only recently been granted. There was no history or issues associated with the licence at the current time and there were no representations made in objection prior to the issuing of the licence;
- The applicant did not intend to sale alcohol for consumption on the premises but wished to have the facility to enable potential purchasers to sample the cider before they buy;
- Potential purchasers would receive a 1oz shot cup full of cider to try. There would be no other tastings of cider offered;
- There was an automatic exemption that live music could take place in the licensed area. The licensed area was the barn where the alcohol would be stored, processed and sold from. Live music would not be permitted in outside areas and would be dealt with by a temporary event notice;
- The applicant had the right to hold functions throughout the year providing the appropriate temporary event notice was obtained;
- The applicant advised that he had not received any complaints about previous events held at the premises. Complaints were lodged with the Parish Council at a meeting where the Parish Council considered the planning applications which was attended by SSDC officers and councillors. The Parish Council meeting was held on 6th August and the event was held on 7th July;
- A disabled toilet facility would be installed within the next month;
- There would be approximately seven people working in the building during the processing season which lasted a month to six weeks;
- The cider sold by the applicant would be 6.5% ABV. 1 pint of the cider would equal 3.7 units of alcohol which was just under the legal limit that people could consume alcohol and still be seen to be fit to drive;

- The nearest residential property was approximately 16 metres away from the premises;
- A security light was installed on the outside of the building which was set to come on for 2 minutes when entering/leaving the building for safety/security purposes during the winter months. It was noted that exterior lighting was a planning issue;
- In terms of traffic and the occasional lorry and delivery vans expected, it was confirmed that there was likely to be one lorry delivery a year delivering glass bottles and the occasional courier van undertaking collections;
- There was a large splay outside of the building which would accommodate parking for a number of vehicles. Parking was not considered to be a problem;
- The applicants had a lot of experience in running outside events and market stalls. They were experienced and confident in dealing with people and the selling of alcohol including making sure they were suitable and met the necessary requirements.

The Specialist – Legal reiterated that planning matters were dealt with under a separate regime to licensing and any concerns or complaints about any planning matters such as highway issues and external lighting should be made to the Planning Department.

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

Members of the Licensing Sub-Committee, the Specialist - Legal and the Case Officer – Strategy & Commissioning, attending in an advisory capacity only, withdrew from the meeting 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 Specialist.

When the meeting reconvened, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

The Licensing Sub-Committee resolved to GRANT the application for a premises licence for Apple HQ, Shepton Montague, BA9 8JP under section 18 of the Licensing Act 2003 subject to the following conditions to promote the licensing objective(s) of the prevention of crime and disorder/public safety/the prevention of public nuisance and the protection of children.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant's Operating Schedule

The Sub-Committee took full account of the representations made by all Other Parties in relation to concerns about crime and disorder, public safety, public nuisance and protection of children. They balanced the right for local residents' enjoyment of their homes against the right of the applicant to operate their business.

The members were also made aware of the applicant's planning permission for the premises and the concerns of the Other Parties but planning is not the remit of the licensing committee.

All parties are reminded 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 Notice of Determination, and should be made to the South Somerset Magistrates' Court.

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Chairman

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Date