

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Virtual Meeting via Zoom meeting software on Thursday 4 November 2021.**

(4.00 - 4.50 pm)

Present:

Members: David Recardo (Chairman)

Wes Read Paul Rowsell

Officers

Anita Legg	Specialist - Licensing
Jo Morris	Case Officer (Strategy & Support Services)
Becky Sanders	Case Officer (Strategy & Support Services)
Ann Chislett	Specialist - Legal

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

13. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

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

The Licensing 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It was confirmed that no representations had been withdrawn.

15. Representation following the Application for a New Premises Licence at Unit 2, Townsend Farm, Ilminster TA19 0JA (Agenda Item 3)

The Specialist – Licensing informed members that an application had been received from Bristol Cider Shop Ltd, for a premises licence to be granted under the Licensing Act 2003 at Unit 2, Townsend Farm, Ilminster TA19 0JA.

The Specialist – Licensing advised members of the following:

- The licensable activities applied for were the supply of alcohol off the premises only on Monday to Sunday start time 09.00 hours and finish time 18.00 hours. There were no seasonal variations or non-standard timings.
- The hours open to the public were the same hours as for the supply of alcohol hours.
- There were additional steps put forward by the applicant that would become conditions of the licence as outlined under Section M of the application.
- The applicant had confirmed that the notices advertising the application were displayed at the premises from 10th September 2021 for the requisite 28 day period and a further notice was placed in the Somerset County Gazette on 23 September 2021.
- There were no representations from responsible authorities.
- Three relevant representations had been received from other parties.
- Several emails and letters of concern had been received that were addressed to the planning team and copied to the licensing team. They were mainly in the form of a template letter and did not explain how the granting of a premises licence would affect them personally rather than the community at large. The authors were advised that if they wished to submit a relevant representation to relate their concerns to the four licensing objectives and how the granting of the licence may affect them personally.
- An email had also been received from the Parish meeting requesting that the deadline be extended however it was explained that as the process was statutory it was not possible to do so.
- There was no cumulative impact policy for the area therefore the number of premises already licensed for the sale of alcohol was not a factor in determining the application.
- No application for a premises licence would be required if the applicant was proposing to sell non-alcoholic apple juice from the premises; therefore the movement of traffic may be the same.
- A premises licence would be required even if the applicant did not permit pre-booked collections from the premises as the sale of alcohol would take place where the order was put aside for the specified customer.
- From the plan, the building for storage and the office appeared to be approximately 9.5 metres by 6.5 metres.

The applicant addressed the Committee in support of his application. He felt that the representations were based on a misunderstanding and there appeared to be an assumption that he would be opening a bar or a shop where people could drink on site. He referred to the concerns raised over traffic noise which he also felt stemmed from that assumption. He confirmed that this was not the case and as detailed in the application, he was looking to open a warehouse where cider would be packed. The applicant confirmed that the application had been advertised as required under the regulations. The neighbours had not been consulted as he did not feel this was relevant on the basis of it being a warehouse and therefore there would be very little impact. With regard to points made in the representations regarding late night traffic and people driving under the influence of alcohol, the applicant felt that the points were not relevant as drinking on site would not be permitted and the premises would be shut by 6.00pm. In terms of traffic impact, there were currently two staff employed who would each be using a separate vehicle every day that they worked. The company had around twenty suppliers and cider was collected directly from half of the suppliers. The remaining suppliers delivered to the premises every couple of weeks therefore on average there would be one delivery most days with a maximum of two deliveries per day. In terms of collections, there would be a courier collection once a day between 3.00-4.00pm. The proposed click and collect operation would involve people pre-ordering cider and

attending the premises to pick up the order. This was not a service offered at present and a tiny proportion of customers were local to South Somerset so it was anticipated that the number of traffic movements would not be significant. The applicant said that if this was a contentious issue he would be happy to remove the click and collect operation from the application. With regard to the noise issue, the applicant said that the assumption appeared to suggest that there would be lots of people outside drinking and this was not the case. The noise would be two people in a warehouse moving bottles from one box into another box. With regard to concerns raised over under aged drinking he confirmed that the purchase of alcohol would be by a pre-purchased internet order that would be collected the following day. There was no intention to work over the weekend, the only reason weekend hours had been included in the application was to allow the business to operate during busier periods for example closer to Christmas, however if members felt that this was a contentious issue, the applicant stated he would be happy to remove weekend hours from the application.

The Licensing Sub-Committee was then addressed by one person representing 'Other Parties' in objection to the application. Comments raised related to following:

- He did not believe that the notice was properly served. The notice was attached to the front of Unit 2 which appeared to be an animal pen so it was difficult to view the application.
- South Somerset District Council's Licensing Policy recommended that neighbours were liaised with and this had not been undertaken.
- The only reason local residents found out about the application was due to the planning application notice being posted on the gate to Townsend Farm and this was only a few days prior to the deadline for receiving objections to the application.
- Unit 2 was not designated for commercial industrial use as stated by the applicant and was designated for agricultural use.
- The planning application for the change of use from agricultural use to commercial use was refused on 3rd November 2021.
- The plans submitted of the premises were not detailed and there were no plans for areas in the building for each activity, alcohol storage, kitchen area or office.
- From the plan provided, the dimensions of the barn were 15 x 10.5 metres.
- In relation to the operating plan, he noted that the business may not operate at the weekend but granting a licence Monday to Sunday 09.00 hours to 18.00 hours 365 days per year gave the opportunity to operate at weekends.
- The market for non-alcoholic products such as apple juice would involve far less traffic noise and the use of courier services. Cider was a premium product. The shipping costs for apple juice would be the same and therefore uneconomical.
- Commercial activity was bound to increase noise pollution for neighbours.
- There was no evidence that courier deliveries would be small.
- There would be an increase in light pollution as the premises would need to be lit with an external light in the winter months to be able to operate.
- There was no detail about addressing anti-social behaviour and crime and disorder.
- There were no specific plans or training for dealing with specific incidences, security or for dealing with medical situations or how the applicant would run a safe premises.
- Townsend Farm was located within a scheduled location and was poorly lit.
- Proxy purchasing would continue to be a problem and also an issue for click and collect.

In response to questions from Members, the applicant advised:-

- The employees of the company did not live on the premises.
- The access point to the premises was natural vegetation.
- There was a road located between the premises and neighbouring properties.
- The building and outside area was a suitable size for the business.

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 asked a further question of the applicant. In response, members noted that the applicant and his fellow employee both held a personal licence.

The Specialist – Legal said that she had advised members during the private session that the planning issue was a separate matter to licensing and whether any additional conditions were necessary.

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 Unit 2, Townsend Farm, Ilminster, Somerset 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 public safety and public nuisance.

The Sub-Committee had regard to the location of the site and acknowledges the concerns of the local residents have in respect of an increase of traffic. The Sub-Committee was satisfied with assurances of the applicant to the amount of deliveries had addressed these concerns.

The Sub-Committee noted the representations from the Applicant that the business premises would only be open Monday to Friday until 18.00 hours. They have applied for weekends just on the odd occasion such as the festive season.

The Sub-Committee felt the conditions provided in their Operating Schedule were sufficient to cover all the licensing objectives.

Note to Applicant:

The Sub-Committee would like to remind the Applicant that its decision to grant the Premises Licence does not influence/bind the Local Planning Authority in respect of any Planning Application submitted in connection with use of the premises.

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