

SWT Licensing Sub - Committee

Wednesday, 17th August, 2022,
10.30 am

Webcasting - Virtual Meeting

**Somerset West
and Taunton**

Members: Simon Coles, Janet Lloyd (Deputy Chair) and Brenda Weston

Agenda

1. Declarations of Interest

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

2. Porlock Oysters premises Licence application

(Pages 3 - 30)



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

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The meeting rooms, including the Council Chamber at The Deane House, are on the first floor and are fully accessible. Lift access to The John Meikle Room (Council Chamber), is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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Somerset West and Taunton Council

Licensing sub-committee – Wednesday 17th of August 2022

Application for the grant of a Premises Licence under the Licensing Act 2003

This matter is the responsibility of Cllr Andrew Sully

Report Author: Brad Fear – Licensing Officer

1 Executive Summary / Purpose of the Report

1.1 Members are asked to consider an application to grant a Premises Licence under the Licensing Act 2003 for Porlock Bay Oysters/the Oyster Shed, Ship Stables, Porlock Weir, Minehead TA24 8PB.

2 Recommendations

2.1 As a relevant representation has been received by the licensing authority, the sub-committee must take such steps as it considers appropriate for the promotion of the four licensing objectives, being:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public safety;
- The protection of children from harm.

2.2 The steps the sub-committee may take are to:

- Grant a premises licence subject to conditions identified in the applicant's operating schedule/agreed position (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and any appropriate mandatory conditions.
- Grant a premises licence subject to variations to the licensable activities and or timings proposed in the application, or to propose additional conditions relevant to the four licensing objectives.
- Reject the application.

3 Risk Assessment (if appropriate)

3.1 The matters to which this report relates do not impact on any of the issues identified

within the Corporate and Function Risk Registers.

4 Background and Full details of the Report

- 4.1 The premises consists of a converted stable block surrounding (on three sides) a court yard area. The stables consist of 4 units. Unit A has been converted into a kitchen area, unit B into a packing/storage area and unit C into a storage area. Unit D is the depuration unit for the oysters. Also connected to the courtyard is an old garage which has been converted into a retail space, specialising in oysters and gift boxes. The courtyard area includes a number of picnic tables for customers to sit.
- 4.2 A completed application and associated paperwork were received from applicant George Pendarves for the granting of a premises licence for Porlock Bay Oysters and this was circulated to relevant responsible authorities on 22nd June 2022. A period of 28 days consultation commenced from this date. Public notices were also placed up at the premises by the applicant for this consultation period and the application information was posted to the Somerset West and Taunton Council 'list of current licence applications' on the Council's website. A copy of the public notice was also printed in the Somerset County Gazette in the 30th June 2022 edition.
- 4.3 A copy of the application can be found attached as **Appendix A**. The applicants are looking to be licensed to sell alcohol both for consumption on the premises and off the premises, between the hours 11:00-23:00 Monday to Sunday. This is to allow for the sale of alcohol with oyster gift boxes, but also to allow purchased alcohol to be consumed with food in the outdoor seating area. As per their application, the applicant notes that the Oyster Shed is intended to be open seasonally from Easter through to Autumn and also over Christmas. They intend to be closed during the winter months when there are less visitors to Porlock Weir, but would continue whole sale and off site/delivery sales through the website all-year round.
- 4.4 Following a visit to the site by the Avon & Somerset Constabulary Area Licensing Practitioner, a number of conditions were proposed to form the basis of an operating schedule/agreed position. The conditions proposed are attached as **Appendix B**.

Representations

- 4.5 A representation against the application has been received from an interested local party within the 28-day consultation period. The content of their objection is shown in **Appendix C**. The main areas of concern are the possibility of public nuisance/disturbance to local residents/neighbours should a licence to sell alcohol for evening events be granted. This includes concerns of nuisance in the form of noise, light and smell late into the night.

Representations from Responsible Authorities

- 4.6 No formal objections/representations were raised by responsible authorities during the 28 day consultation period.

4.7 Mediation

The Licensing Authority made contact with the objecting party following receipt of their representation and also made contact with the applicant to confirm the nature of the concerns raised. This gave us the opportunity to forward on assurances and measures proposed by the applicant to concerned parties, as well as inviting objecting parties to make their own suggestions on amendments to the proposed activities or propose conditions which might address their concerns.

A mediation meeting between the applicant, objecting party and Licensing Officer took place at the premises on Wednesday 27th July, with the intention of discerning if any compromise could be reached that might fully alleviate the concerns addressed.

During this mediation, the concerns of the objecting party regarding the impact of noise from the premises' outdoor seating area on the adjacent hotel were voiced and discussed at length. During these discussions, a proposal was made to potentially set a 'terminal hour' for the use of the outdoor seating area, which is directly adjacent to the Locanda on the Weir hotel. However, during the mediation meeting agreement could not be reached on what this terminal hour should be. As such, both the applicant and objecting party were invited to consider this further following the mediation and to submit proposed terminal hours to the Licensing Officer by e-mail; in the hope that a compromise might be reached on this. A copy of the e-mail sent out following the mediation (which also includes potential wording for this proposed condition) is attached as Appendix D.

At the time of writing this report, the applicant has suggested a terminal hour for licensable activities of 21:30 for the outdoor area, while the objecting party has proposed a terminal hour of 18:00 instead. As such, a compromise has not currently been reached on this matter. The objecting party has also proposed amending the licence to limit the applicant's use of the courtyard area for licensable activities to once a week, which the applicant (at the time of writing/submitting this report) has not agreed to.

Responses to notice of hearing

- 4.8 Notices of hearing were sent out by e-mail on 28th July 2022 to the applicant and objecting party. At the time of writing/submitting this report, mediation discussions via e-mail are still ongoing and responses to the notice of hearing regarding attendance are yet to be received from either the applicant or the objecting party. As such, any responses to the notice of hearing received between the time of writing this report and the date of hearing will be submitted separately, for members' consideration.

Relevant Licensing Policy considerations

- 4.9 Section 1.2 of the Authority's Licensing Policy states: "The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives". "These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance". The four objectives are: the prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance.

Conditions

- 4.10 Section 1.5.2 of the Policy states "The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives".
- 4.11 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.
- 4.12 The guidance issued under Section 182 of the Licensing Act 2003 states: "(9.38) *All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.* (9.39) *The authority's*

determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (9.40) Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.”

5 Links to Corporate Aims / Priorities

- 5.1 Under the Licensing Act 2003, the licensing authority has a statutory requirement to ensure that licences are granted with consideration given to the four licensing objectives (public safety, protection of children from harm, prevention of crime and disorder, prevention of public nuisance).

6 Finance / Resource Implications

- 6.1 None.

7 Legal Implications

- 7.1 The Licensing Sub Committee, when determining this application, must comply with the Licensing Act 2003. It should also have due regard to the Home Office Guidance and the Council's Licensing Policy.
- 7.2 In determining an application relating to a Premises Licence, any Responsible Authority or other party can make representations in relation to the application.
- 7.3 The Licensing Act 2003 created four licensing objectives and in determining this application, only factors that relate to the licensing objectives can be taken into account. Any representation must relate to the licensing objectives and any conditions added by the Licensing Sub Committee must relate to the promotion of the licensing objectives.

Human Rights Act 1998

- 7.4 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

Appeals

- 7.5 If the sub-committee modifies conditions or rejects the application, the applicant may

appeal within 21 days of notification of the decision to the Magistrates' Court. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded a licensable activity. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.

8 Environmental Impact Implications (if any)

8.1 None identified

9 Safeguarding and/or Community Safety Implications (if any)

9.1 None identified.

10 Equality and Diversity Implications (if any)

10.1 None identified.

11 Social Value Implications (if any)

12 No social value implications were identified.

13 Partnership Implications (if any)

14 No partnership implications were identified.

15 Health and Wellbeing Implications (if any)

15.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

16 Asset Management Implications (if any)

16.1 No asset management implications have been identified.

17 Consultation Implications (if any)

17.1 None identified.

18 Scrutiny Comments / Recommendation(s) (if any)

18.1 Not applicable.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices

Appendix A	Application to grant a premises licence for Porlock Bay Oysters
Appendix B	Agreed position/operating schedule agreed between applicant and Avon & Somerset Constabulary
Appendix C	Objection/representation received from member of the public
Appendix D	Mediation meeting follow-up e-mail and proposed condition

Contact Officers

Name	Brad Fear
Direct Dial	01823 219447
Email	B.Fear@somersetwestandtaunton.gov.uk



Somerset West and Taunton
Application for a premises licence
Licensing Act 2003

For help contact
communityprotection@somersetwestandtaunton.gov.uk
 Telephone: 0300 304 8000

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

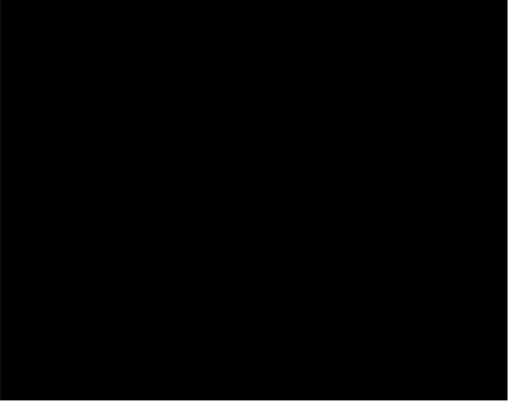
Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country The country where the headquarters of your business is located.

Registered Address Address registered with Companies House.

Building number or name 

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address
 OS map reference
 Description

Postal Address Of Premises

Building number or name

Street

District


City or town

County or administrative area

Postcode

Country

Further Details

Telephone number 

Non-domestic rateable value of premises (£)

Section 3 of 21	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input type="checkbox"/> An individual or individuals <input checked="" type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 21	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	<input type="text" value="TII Aquaculture Limited"/>
Details	
Registered number (where applicable)	<input type="text" value="12065540"/>
Description of applicant (for example partnership, company, unincorporated association etc)	

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Documents that demonstrate entitlement to in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises consists of a converted stable block surrounding (on three sides) a court yard area. The stables consist of 4 units. Unit A has been converted into a kitchen area, unit B into a packing/storage area and unit C into a storage area. Unit D is the depuration unit for the oysters. Also connected to the courtyard is an old garage which has been converted into a retail space.

<p><i>Continued from previous page...</i></p> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend <input type="text"/></p>
Section 6 of 21
PROVISION OF PLAYS
<p>See guidance on regulated entertainment</p> <p>Will you be providing plays?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 7 of 21
PROVISION OF FILMS
<p>See guidance on regulated entertainment</p> <p>Will you be providing films?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing indoor sporting events?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 9 of 21
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing boxing or wrestling entertainments?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 10 of 21
PROVISION OF LIVE MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing live music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 11 of 21
PROVISION OF RECORDED MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing recorded music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 12 of 21
PROVISION OF PERFORMANCES OF DANCE
<p>See guidance on regulated entertainment</p> <p>Will you be providing performances of dance?</p>

<i>Continued from previous page...</i>	
Section 13 of 21	
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will you be providing anything similar to live music, recorded music or performances of dance?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>	
Section 14 of 21	
LATE NIGHT REFRESHMENT	
<p>Will you be providing late night refreshment?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>	
Section 15 of 21	
SUPPLY OF ALCOHOL	
<p>Will you be selling or supplying alcohol?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p> <p>Standard Days And Timings</p>	
<p>MONDAY</p> <p>Start <input type="text" value="11:00"/></p> <p>Start <input type="text"/></p>	<p>End <input type="text" value="23:00"/></p> <p>End <input type="text"/></p>
<p>Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.</p>	
<p>TUESDAY</p> <p>Start <input type="text" value="11:00"/></p> <p>Start <input type="text"/></p>	<p>End <input type="text" value="23:00"/></p> <p>End <input type="text"/></p>
<p>WEDNESDAY</p> <p>Start <input type="text" value="11:00"/></p> <p>Start <input type="text"/></p>	<p>End <input type="text" value="23:00"/></p> <p>End <input type="text"/></p>
<p>THURSDAY</p> <p>Start <input type="text" value="11:00"/></p> <p>Start <input type="text"/></p>	<p>End <input type="text" value="23:00"/></p> <p>End <input type="text"/></p>
<p>FRIDAY</p> <p>Start <input type="text" value="11:00"/></p> <p>Start <input type="text"/></p>	<p>End <input type="text" value="23:00"/></p> <p>End <input type="text"/></p>
<p>SATURDAY</p> <p>Start <input type="text" value="11:00"/></p> <p>Start <input type="text"/></p>	<p>End <input type="text" value="23:00"/></p> <p>End <input type="text"/></p>

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The Oyster Shed is intended to be open seasonally from Easter through to Autumn and also over XMAS. We intend to be closed during the winter months when there are less visitors to Porlock Weir.

whole sale and off site sales through the website occur all year round.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this application

Reference number for consent form (if known) If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start End

Start End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

APPENDIX A

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The oyster bar is intended to be open seasonally from Easter through to Autumn and over XMAS period. We intend to be closed during the winter months when there are less visitors to Porlock Weir.

Online and Wholesale trade shall continue all year round.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

All alcohol will be securely stored in a locked unit at the premises.

We do not envisage there to be any particular issues with customers getting drunk and causing public nuisance or crime/disorder in the area given the size and the nature of the operation (small oyster shed/bar). Customers will not be permitted to take open containers of alcohol from the premises.

We also sell alcohol for consumption off site as part of our gift boxes. These gift boxes are bought via our online store and either picked up from the premises in Porlock Weir or delivered by courier. We have been licensed for this activity since 2020 and intend to continue to operate in a similar manner. Age checks are done on the website and the boxes are clearly labeled.

c) Public safety

On site customers will be buying drinks to be consumed on site with food orders. Customers will be seated at picnic benches in the courtyard area or at tables in the retail area. We don't envisage there to be any issues with public safety due to the nature of the operation and its size.

All bottles and glasses will be promptly cleared away after the customers have finished. On site customers will not be permitted to take open containers of alcohol from the premises.

d) The prevention of public nuisance

On site customers will be buying drinks to be consumed on site with food orders. Customers will be seated at picnic benches in the courtyard area or at tables in the retail area. We don't envisage there to be any issues with public nuisance due to the nature of the operation and its size.

e) The protection of children from harm

We have a proof of age policy to prevent sale of alcohol to underage children. All staff will be trained on the proof of age policy to ensure that appropriate checks are made.

For off site sales, age checks are done on the website and the boxes are clearly labeled. We have been licensed for this activity since 2020 and intend to continue to operate in a similar manner.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

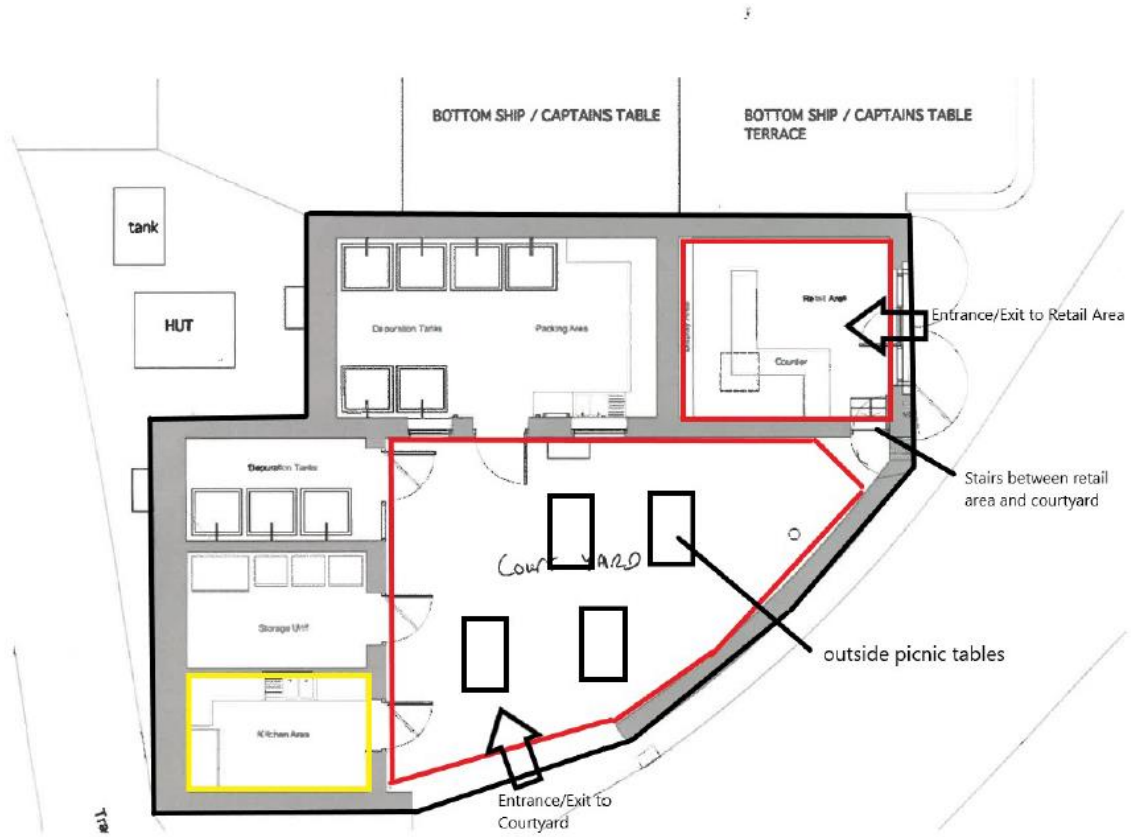
APPENDIX A

<p><i>Continued from previous page...</i></p> <ul style="list-style-type: none"> • Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable. • Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for: <ul style="list-style-type: none"> o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority; o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider; o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
Section 21 of 21
PAYMENT DETAILS
<p>This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm</p> <p>Band A - No RV to £4300 £100.00 Band B - £4301 to £33000 £190.00 Band C - £33001 to £8700 £315.00 Band D - £87001 to £12500 £450.00* Band E - £125001 and over £635.00*</p> <p>*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee</p> <p>Band D - £87001 to £12500 £900.00 Band E - £125001 and over £1,905.00</p> <p>There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.</p> <p>Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.</p> <p>If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time</p> <p>Capacity 5000-9999 £1,000.00 Capacity 10000 -14999 £2,000.00 Capacity 15000-19999 £4,000.00 Capacity 20000-29999 £8,000.00 Capacity 30000-39000 £16,000.00 Capacity 40000-49999 £24,000.00 Capacity 50000-59999 £32,000.00 Capacity 60000-69999 £40,000.00 Capacity 70000-79999 £48,000.00 Capacity 80000-89999 £56,000.00 Capacity 90000 and over £64,000.00</p> <p>* Fee amount (£) <input style="width: 50px;" type="text" value="100.00"/></p>
DECLARATION

<p><i>Continued from previous page...</i></p> <p>* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.</p> <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"</p> <p>* Full name <input style="width: 150px;" type="text" value="George Pendarves"/></p> <p>* Capacity <input style="width: 150px;" type="text" value="Director"/></p> <p>* Date <input style="width: 30px;" type="text" value="20"/> / <input style="width: 30px;" type="text" value="06"/> / <input style="width: 50px;" type="text" value="2022"/> <small>dd mm yyyy</small></p> <p style="text-align: center;"><input type="button" value="Add another signatory"/></p> <p>Once you're finished you need to do the following: 1. Save this form to your computer by clicking file/save as... 2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/taunton-deane/apply-1 to upload this file and continue with your application. Don't forget to make sure you have all your supporting documentation to hand.</p> <p>IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</p> <p>IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED</p>
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APPENDIX A

AREA TO BE LICENSED (outlined in red):



Agreed position/operating schedule agreed between applicant and Avon & Somerset Constabulary

- 1) All employees involved in the sale of alcohol, must receive training on commencement of employment, with regards to preventing the sale of alcohol to persons who are under the required age and proxy sales. This training must also include refusals to persons who are intoxicated. This training must be documented and signed for by employees to acknowledge that they have received this training. All employees must receive refresher training every six months. Records must be made available for inspection by the Police & Licensing Authority.
- 2) The licence holder must maintain a refusals register to record instances where the sale of alcohol and proxy sales to a patron is refused. Records must be kept for a minimum of 12 months and must be made available to the Police or authorised officer of the Licensing Authority on request.
- 3) Customers will not be permitted to take open containers of alcohol from the premises.
- 4) Alcohol must be securely stored at all times.
- 5) All bottles and glasses must be removed from outside areas on a regular and frequent basis.
- 6) The Premises Licence holder or DPS must ensure that any outside area attached to the premises or included in the licence must be controlled in a safe and effective manner at all times and staff must pay special attention to the impact that the use of the outside area has on the surrounding community. Outside areas must be regularly supervised.
- 7) Appropriate age verification checks must be in place for online sales to prevent the sale of alcohol to customers under the age of 18 years. Customers must enter their date of birth before purchase to prove they are over 18 years.

Objection/representation received from member of the public

Objection received as part of e-mail on 18th July 2022, from Cindy Siu at Locanda on the Weir (hotel situated adjacent to Porlock Oysters' outside courtyard):

Aquaculture lies adjacent to my small (4 bedroom) award winning boutique hotel, we have received a lot of hard won national press for its peace, beauty and design, there are approximately 2.5 metres between where they propose to sell and serve alcohol and my hotel entrance and the closest guest bedrooms, it is also adjacent to the owners accommodation. Already the noise of the oyster water pumps can be heard at night and is disturbing.

I am objecting on the grounds of an alcohol license to be a potential public nuisance both from noise, light and smell. At present there are 4 x pub benches in their outside courtyard which looks onto my hotel entrance with a narrow lane separating us, as far as I can see this is where customers would potentially be boozing and eating and as far as I know there are no provisions for bathroom facilities, the closest is in the main public car park some distance away however my garden which is un gated and my car park behind their premises could potentially be used as a toilet, this is in fact the least of my concerns.

Exmoor National Park is a place of peace and tranquility, it is why visitors come to stay at my hotel, it is also a night sky reserve for the dark skies ,even with the best customers in the world there will be noise pollution to my property and surrounding ones plus potential light as it will be a hazard if the courtyard is unlit, this will affect my hotel and then of course there is the rubbish and smells associated with licensed premises. If this alcohol license is granted to what was supposed to be a retail outlet for oysters, or that is what I was led to believe, it will cause in particular noise disturbing my guests in the front 3 bedrooms when they on average retire after dinner at 9-9.30pm, I can foresee many many complaints and loss of business plus personally I do not want to be disturbed by their customers drinking in their courtyard by my bedroom.

Porlock Weir already has a pub plus another licensed hotel other than mine we really do not need nor want the oyster shop selling and serving customers into the night it is far far too close to my home and my business . If I had known when planning was being sought for an operation like this and if their application had been posted somewhere public and visible, I would have objected, an oyster shop is a lovely addition to Porlock weir but a licensed bar without adequate provision for indoor facilities and drinking is not. I cannot express strongly enough how badly this operation will affect both my small hotel and my domestic dwelling.

Mediation meeting follow-up e-mail and proposed condition

From: Fear, Brad
Sent: 28 July 2022 09:51
To: George Pendarves; Cindy Siu
Subject: WK/49257 Mediation Meeting Follow-Up and Notice of Hearing
Importance: High

Good morning George and Cindy,

Many thanks again to you both for yesterday's mediation meeting—it was great to be able to discuss the application and concerns raised in more detail, and I felt the dialogue was really constructive.

One possible avenue of compromise we discussed yesterday was looking to set a 'terminal hour' for licensable activities in the outdoor seating area, so as to reduce any possible impact of noise and light on guests staying at Locanda on the Weir. If all parties feel this would be helpful, I would look to propose a condition to the licence (in addition to those already agreed with Avon & Somerset police) worded as follows:

The premises' outdoor seating area must not be used for licensable activities after ???pm.

As you'll note, the only part of this that needs confirming is what we set the terminal hour as. I'd therefore appreciate any feedback or proposals you might have for this terminal hour, in the hope that something can be agreed which satisfies both parties and the condition can be completed. It's also worth considering that included among the Police's agreed conditions, condition 6 will also help to mitigate potential disturbances; and in conjunction with the above proposed condition, hopefully this should cover all bases:

6. *The Premises Licence holder or DPS must ensure that any outside area attached to the premises or included in the licence must be controlled in a safe and effective manner at all times and staff must pay special attention to the impact that the use of the outside area has on the surrounding community. Outside areas must be regularly supervised.*

If a compromise cannot be reached, of course, then we would proceed to the Sub-Committee hearing as planned and the panel will then determine this application. I will add in notes from our mediation to any report that goes to the Sub-Committee, so that they are up to date on discussions and proposals already made before the hearing date.

With that in mind, I have also attached to this e-mail a copy of a formal notice of hearing, which confirms the date and time of the Sub-Committee Hearing as being Wednesday 17th August 2022 at 10:30am. This will be held virtually over Zoom, and details of how to log in to this are included within the notice of hearing. We'll just

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need written (i.e. e-mail) confirmation if you will be attending on the day (be sure to read more about this on page 2 of the notice of hearing). If a compromise is reached in advance of this date and a hearing is no longer required, then I will confirm cancellation of this by e-mail.

Many thanks again for all of your input and I look forward to hearing from you.

Kind regards,

Brad Fear | Licensing Officer | Somerset West and Taunton Council | Deane House | Belvedere Road | Taunton | TA1 1HE | Switchboard: 0300 304 8000 | Email: enquiries@somersetwestandtaunton.gov.uk | Website: www.somersetwestandtaunton.gov.uk