

SWT Licensing Sub-Committee

Monday, 13th July, 2020,
10.30 am

**Somerset West
and Taunton**

[SWT VIRTUAL MEETING WEBCAST
LINK](#)

Members: Mark Lithgow, Simon Coles and Ray Tully

Agenda

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

(Pages 3 - 28)



**JAMES HASSETT
CHIEF EXECUTIVE**

Report Number: SWT 104/20

Somerset West and Taunton Council

Licensing Sub-Committee – 13 July 2020

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

This matter is the responsibility of Cllr Sarah Wakefield

Report Author: Brad Fear, Case Manager (Licensing)

1 Executive Summary / Purpose of the Report

- 1.1 Members are asked to consider an application for the grant of a Premises Licence under the Licensing Act 2003 for Coffee Couture, Wimbleball Lake, Brompton Regis, Dulverton TA22 9NU.

2 Recommendations

- 2.1 As relevant representations have 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 the licence subject to the conditions identified in the applicant's operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and any appropriate mandatory conditions.
- exclude from the scope of the licence any of the licensable activities to which the application relates.
- to refuse to specify a person in the licence as the designated premises supervisor;
- reject the application.

3 Risk Assessment (if appropriate)

- 3.1 The matters to which this report relates does 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 is a café at the Wimbleball Lake, next to the campsite and Lake activities centre. The premises is in a rural location, less than two miles from Brompton Regis. There are a couple of residential properties and farms within a one mile radius of the premises.
- 4.2 An application was received from Coffee Couture Plymouth Ltd (applicant name – Mark Streeter), for a premises licence for Coffee Couture, Wimbleball Lake, Brompton Regis, Dulverton TA22 9NU. The application was initially submitted to allow for the supply of alcohol – both for consumption on the premises and also for consumption off of the premises – between the hours of 11:00 and 23:30 Monday to Sunday.
- 4.3 Notices advertising the proposed variations to the licence (and including the end date for representations/objections) were placed up at the premises site and a copy of this was advertised in the West Somerset Free Press within ten working days, in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. A copy of this notice was also posted on the West Somerset West and Taunton Council website, with a function available for members of the public to make objections online through the website.
- 4.4 The proposed licensable activities and timings, as per the original application, are represented in table form in **Appendix A**.
- 4.5 Within the application, the applicant identified steps that they intend to take to promote the licensing objectives, and this is often referred to as being part of the 'operating schedule'. The licensing authority routinely modifies the content of this part of the application in order to form conditions of the licence, should it be granted; conditions which, if breached, result in an offence being committed. In this case, the applicant was given some guidance by both the licensing authority and police in relation to sensible and proportionate steps that they might need to include within the application. The conditions proposed as part of the operating schedule from the initial stages of the application are shown in Appendix B.

Representations

- 4.6 Representations against the application have been received from interested parties within the 28-day consultation period. These are shown in **Appendix C**. The primary areas of concern surround existing and ongoing problems at the campsite involving social disturbance and anti-social behaviour – including 'intimidation of local residents', unsafe parking/use of the roads, excessive littering, vandalism and trespassing - caused by young visitors. There is a concern that existing problems at the campsite will be exacerbated by the more accessible supply of alcohol from the Coffee Couture premises.
- 4.7 The representations also include mentions of potential safety hazards for intoxicated campsite visitors. The café is close to the lake and it has been noted that young visitors already congregate at the Bessom Bridge side of the reservoir and have been

observed jumping in to the water from the bridge. The lake is also used for watersports activities and there are concerns that it would be unsafe for people to engage in such activities around and in the lake if intoxicated.

- 4.8 Representations note concerns that the sale of alcohol will, in attracting revellers and anti-social behaviour, undermine both the site's standing as being 'family friendly' and also its tranquil reputation.

Representations from Responsible Authorities

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

Mediation

- 4.10 The licensing authority facilitated a mediation between the applicant and interested parties via a virtual Zoom meeting on Tuesday 30th June. The chair of the meeting/mediator was Brad Fear, Licensing Case Manager on behalf of Somerset West and Taunton Council. A number of the interested parties that had made representations attended - six of the sixteen invited, along with a representative on behalf of the applicant (Ausra Bulovaite) and representatives from Avon & Somerset Police. Key concerns reiterated by interested parties included: the recent rise of alcohol-induced anti-social behaviour at Wimbleball Lake and how off-sales of alcohol on the site may exacerbate this (particularly in a secluded area where this may be harder to enforce); issues of public nuisance potentially caused by late night sales of alcohol (including light and noise pollution); health and safety in relation to intoxicated individuals around deep bodies of water late at night. In discussions that followed, the applicants were prepared to agree amendments to proposed timings and activities – including the removal of off-sales from the application (thereby leaving only on-sales) and the reduction of the licensable times to 11am – 4pm daily. Furthermore, they were prepared to introduce an extra condition that restricted the sale of alcohol to purchases of food made for consumption on the premises. For a list of the proposed amendments, see **Appendix E**. Interested parties present at the mediation welcomed the proposals and did not voice any opposition to these.
- 4.11 Following mediation, an e-mail was sent out on 1st July to Ausra Bulovaite and the applicant – Mark Streeter – to confirm that they agreed to amendments proposed at mediation (in particular, to agree the wording of the additional condition – see **Appendix E**) and this was confirmed by return e-mail on 2nd July. E-mails were then sent out to all interested parties that had submitted representations (this was sent on 2nd July), including those not present at the mediation meeting, outlining the proposed amendments. This was to determine how many interested parties would – should the proposed amendments be made – be satisfied that their concerns had been addressed and, where appropriate, withdraw their representation.
- 4.12 Interested parties who have – at the time of writing this report - withdrawn their representations, based on amendments agreed at the mediation meeting, can be found under **Appendix F**.

Responses to notice of hearing

- 4.13 Notices of hearing were sent out to interested parties by post and also by e-mail on Monday 22nd June 2020. The responses we have received to this notice of hearing are shown as **Appendix D**.

Relevant Licensing Policy considerations

- 4.14 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

- 4.15 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".
- 4.16 The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.
- 4.17 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 The granting of this application would support an existing business within the district, creating an additional source of income. However, considerations must also be made, where necessary, to the Corporate Strategy's commitment (under 'Homes and Communities, point 3) to 'Reduce anti-social behaviour, through working with residents and our partners' and weigh any probable outcomes from granting of this application accordingly.

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 for 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 If the concerns raised by the interested parties are realised, there is a potential for a detrimental impact on the environment. This could also have implications for Exmoor National Park, as well as residents. The National Park, however, would not be a primary consideration when determining this application.

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

- 9.1 If the concerns raised by the interested parties are realised, there is a potential for a detrimental impact on community safety.

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	Proposed licence activities and timings (as per application)
Appendix B	Conditions proposed under the operating schedule and by responsible authorities
Appendix C	Representations from interested parties
Appendix D	Responses to Notice of Hearing
Appendix E	Proposed Amendments to Application, following Mediation Meeting
Appendix F	Representation withdrawals following mediation and proposed changes

Contact Officers

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APPENDIX A

Proposed licence activities and timings (as taken from submitted application)

Section 15 of 21			
SUPPLY OF ALCOHOL			
Will you be selling or supplying alcohol?			
<input checked="" type="radio"/> Yes <input type="radio"/> No			
Standard Days And Timings			
MONDAY	Start	11:00	End 23:30
	Start		End
TUESDAY	Start	11:00	End 23:30
	Start		End
WEDNESDAY	Start	11:00	End 23:30
	Start		End
THURSDAY	Start	11:00	End 23:30
	Start		End
FRIDAY	Start	11:00	End 23:30
	Start		End
SATURDAY	Start	11:00	End 23:30
	Start		End
SUNDAY	Start	11:00	End 23:30
	Start		End
Will the sale of alcohol be for consumption: <input type="radio"/> On the premises <input type="radio"/> Off the premises <input checked="" type="radio"/> Both			
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.			
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.			

Note: No seasonal variations or non-standard timings or dates were proposed by the applicant.

APPENDIX B

Conditions proposed under the operating schedule and by responsible authorities

Proposed Operating Schedule – Coffee Couture, Wimbleball Lake, Brompton Regis, Dulverton TA22 9NU:

1. The premises must operate a 'Challenge 25 policy', whereby anyone wishing to purchase alcohol, that appears to be under the age of 25 years, must be asked to provide photographic identification e.g. passport, driving licence, PASS card;
2. All employees to receive regular training with regards to the legal and social responsibilities of supplying alcohol. This training must be capable of being evidenced;
3. A CCTV system must be installed, maintained and used at the premises.
4. 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;
5. All drinking vessels must be promptly cleared from tables when drinks are finished;
6. Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
7. Suitable signage must be displayed, where practicable, in outside areas - requesting patrons to respect the amenities of local and campsite residents.
8. Where outside areas are provided for the use of patrons, facilities for the disposing and collecting of litter must be maintained.
9. The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night and during the early morning when the noise generated could cause a nuisance.
10. Noxious smells from licensed premises must not cause a nuisance to nearby properties.

APPENDIX C

Representations from Interested Parties

NOTE: All representations made against this application were submitted digitally to the Licensing Authority. The content of the objections raised is included below, along with the provided name of the interested party. Additionally, any suggestions made by interested parties regarding amendments or conditions (where this has been addressed on the online objection form) have also been added.

#1 Brompton Regis Parish Council

"The Brompton Regis Parish Council strongly objects to a licence being granted for the sale of alcohol on and off the premises at Wimbleball Lake. The remit of the lake is for it to be a place of quiet enjoyment available throughout the day and to benefit from the Dark Skies at night. The ethos of the site is to be family friendly and the South West Lakes Trust encourages many activities for both families and schools. The existing cafe provides adequately for the current visitors and for its small campsite and it should be noted that there are two pubs in the locality.

Over the last few years problems have started to arise with social media encouraging gatherings whose activities have been influenced by alcohol. However, in the last few weeks unprecedented numbers of people have come to the lake and to date the Police, Exmoor National Park Authority and South West Lakes Trust have been unable to work out a strategy for containing the extremely anti-social behaviour obviously fuelled by alcohol. Such behaviour includes indiscriminate and dangerous parking; prevention of use by the many fishermen who frequent the lake; intimidation of local residents and the leaving of excessive amounts of rubbish much of which is dangerous especially to children and animals.

A readily available supply of alcohol for sale 7 days a week from 11.00 - 23.30 both on and off the premises could clearly exacerbate the problems.

Many local residents support the council objection to this licensing application as does the adjacent parish council of Upton."

#2 Upton Parish Council

"Re - Somerset West and Taunton Licence representation Application WK/44720Â Coffee Couture, Wimbleball Lake, Brompton Regis, Dulverton TA22 9NU Licensable activities applied for Supply of alcohol (on and off sales) (11:00 to 23:30 Monday to Sunday) Opening hours applied for 07:00 - 00:00 Monday to Sunday opening hours, sale of alcohol between 11:00 and 23:30 only.

Upton Parish Council strongly objects to the granting of an alcohol licence, for on and off premises sales at the Cafe, Wimbleball Lake. This amenity is a peaceful, tranquil, and safe area used by families, within a protected National Park, Â for nature watching, recreation and sport.

Unfortunately we have a serious problem with youngsters flocking to the lake in search of a place to party; a situation that the police are struggling to control. A licence to serve alcohol would only exacerbate this problem.

Upton Parish Council feel that an alcohol licence is wholly inappropriate on the grounds that it will encourage even more social disturbance and anti social behaviour. This would require additional enforcement from an already absent police force.

It will also generate additional traffic on already unsafe local roads until late into the night, many of these are single track with few passing places and require slow careful observation when driving.

It puts commercialism and profit above the protection of the natural environment and sustainability policies.

Finally we feel it presents health, (by unnecessarily encouraging alcohol consumption), and safety hazards, (proximity of the deep water reservoir, bridge and dam), requiring additional resource to ensure safe operation of the facilities.”

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account – *“Upton Parish Council strongly objects to the granting of an alcohol licence, for on and off premises sales at the Cafe, Wimbleball Lake. This amenity is a peaceful, tranquil, and safe area used by families, within a protected National Park, Â for nature watching, recreation and sport.*

Unfortunately we have a serious problem with youngsters flocking to the lake in search of a place to party; a situation that the police are struggling to control. A licence to serve alcohol would only exacerbate this problem.

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It will also generate additional traffic on already unsafe local roads until late into the night, many of these are single track with few passing places and require slow careful observation when driving.

It puts commercialism and profit above the protection of the natural environment and sustainability policies.

Finally we feel it presents health, (by unnecessarily encouraging alcohol consumption), and safety hazards, (proximity of the deep water reservoir, bridge and dam), requiring additional resource to ensure safe operation of the facilities.”

#3 Nick Thwaites- SWT Cllr for Dulverton Ward

“I have been approached by Brompton Regis parish council in my capacity as their District Cllr asking for my representation in this matter. The premises in question are located in a quite rural location close to the banks of the Wimbleball reservoir which is managed by the charity, South West Lakes Trust. A barrier provides entrance to the car park which I understand is unused and never closed. Access to the parking are is via a small lane with passing places. The granting of a premises and more likely the OFF sales licence will encourage those finishing their meals to natural migrate with drinks towards the water. This lake/reservoir is very deep and large with no protection barriers to prevent people entering the water whether by design or accident. The sale of alcohol is likely to encourage those camping in the tents (glamping) a stone throw away (in the adjacent field) and those travelling

home to migrate and roam down towards the water there by increasing the likely hood of disturbing, not only those still eating but also those camping close by.

Public safety - the presence of a large deep body of water mixed with alcohol.

Public nuisance - The consumption of alcohol within the grounds is likely to lead to unruly behavior.

Prevention of crime and disorder - This is a remote location unlit and as such would be difficult to police”

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account – “No Off Sales - limit alcohol consummation within the Cafe premises and the associated seating area just outside.”

#4 Cllr Dave Mansell

“I represent the Wiveliscombe and District Ward, which is close to Wimbleball Lake and includes roads leading to it. Wimbleball Lake is a wonderful facility in our area and rightly should be open and accessible to all users, including young people. Unfortunately, there can be some mis-use, disturbance and nuisance caused to local residents, including on roads leading to Wimbleball and especially on and around the bridge over the northern end of the lake. Problems from this have been particularly bad over the lockdown period in good weather and, from local reports, it appears SW Lakes and the Police are able to do little to deter or control the situation. There is evidence from till receipts in litter left behind that people have visited from Taunton, Weston-Super-Mare and Bristol.

There is understandable concern that an alcohol licence, without sufficient restrictions, could make the situation worse and also lead to other problems.

The cafe location is away from the bridge and close to another part of the lake and the main car park and campsite. However, it could attract more people if it starts to sell alcohol for off-site consumption, including to those initially attracted to other parts of the lake, such as the bridge.

It would have been helpful to have details of the applicants plans for the cafe building and why they have applied for an alcohol licence for on and off-site sales for the times requested.

I have doubts about the suitability of the location for attracting customers late into night. The lake is in a quiet rural area with some narrow access roads.

In my view, the cafe should be serving day time customers and possibly this could extend to early evening, but not to late evening and night time.”

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account – “I suggest a licence is allowed for on-site sales only. It should also be timed for consumption with meals and not to allow late night drinking at this location.”

#5 Mark Blaker, SWT Member for Wiveliscombe/District

“Further to comments submitted by Cllrs Dave Mansell and Nick Thwaites, I concur with the view that a license for on-site consumption is appropriate, but given recent and significant concerns about incidents of unruly and potential dangerous behaviour in the vicinity it would not be appropriate.”

#6 Kevin Lawes

"We live next to the Lakes Trust property on which land the cafe is situated. This application therefore directly affects us. We already have a large number of walkers, runners and cyclists passing by our property. Most of them are well behaved and cause no trouble. However, there are several who do not treat this beautiful site with any respect and leave bottles, litter and other unpleasant articles behind when they leave. In some cases their behaviour can only be described as unruly and a nuisance. Granting an alcohol licence to the cafe could only make matters worse and I feel sure that it would result in more drunkenness, bad behaviour, discarded cans and bottles, criminal damage to boats and equipment and disruption to what is usually a quiet and tranquil area. There is no need for access to alcohol here if the site is used properly. There is a lovely old pub in the village of Brompton Regis if anyone is desperate for an alcoholic drink. The final reason for my objection is that there is already a real public nuisance problem at the Bessom Bridge end of the lake where young people in particular congregate in large numbers and jump into the water from the bridge. Last week 194 cars were counted on both sides of the road and there is often noise and unruly behaviour. At least they stay in the bridge area at the moment and go home late afternoon. I cannot begin to imagine what problems would arise if the young people thought it worth their while moving up from the bridge to the cafe to get a drink. There would be disorder on a grand scale with no one able to police the behaviour. I must therefore respectfully request that this application be refused in no uncertain terms. Thank you."

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account? "no"

#7 Dr B. J. Chaffey and Dr C. M. Chaffey

"We have had serious public disorder problems here over the last few years with the congregation of youths on Besom bridge (over 100 cars) and at the Wimbleball picnic areas. The Police have been called to acts of public disorder and nuisance. I am concerned that if the cafe can sell alcohol this venue will become even more popular and uncontrolled. This is a national park and should be an area for peaceful family recreation. This application causes me great concern and distress. The problem of uncontrolled gatherings has escalated significantly over the last five or six years and the availability of alcohol will only make things worse. Also everyone visiting the site has to drive here so the risk of drink driving is also increased. There was an illegal rave in the woods by the lake last year and this application will not help. Where will the revellers go after the premises stops serving?"

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account – "No, this is a National Park venue and should be preserved as a site for family recreation."

#8 Mrs M Heywood

"I am 82 years old and I have lived here all my life. The area has become increasingly busy and there are many young people gathering around the lake and I feel alcohol will cause problems especially late at night and on hot sunny days when hundreds of people are here jumping off the bridge and

driving in their cars. I feel vulnerable and the sale of alcohol is not necessary as this should be a family picnic area and beauty spot.”

#9 Glenn Bengtson

“To ensure the safe and controlled consumption of alcohol near a watersport activity centre, the surrounding countryside and policing of such site.”

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account – *“Limited serving to customers for consumption on site, within a designated area (indoors and outside fencing to control area with no alcohol beyond), and to be served no later than the serving of food.*

That the outdoor area remains clean tidy and organised.”

#10 Steven Hopkinson

“I have been coming to the lake for several years now as it provides beautiful scenery for walks and cycle rides. In recent years I have seen a noticeable increase in the number of visitors to the site. Whilst not a bad thing, it tends to be a lot of families and older couples who come here for the peace and quiet. On the way in across the bridge however I have frequently seen larger and larger congregations of people parked all over this area and jumping and swimming in the lake (which is prohibited). I am worried that allowing the sale of alcohol - particularly for such a long period during the day - will cause these groups to disrupt the tranquil environment that people seek when they come to the lake. The lake also offers water sports facilities which would be unsafe if alcohol has been consumed previously. I do not think the two will mix well together and the alcohol will encourage dangerous behaviour.

It is also worth considering that due to the location almost everyone who visits the lake will need to drive to get there. Therefore the sale of alcohol is potentially going to lead to drink driving offences! Something we naturally need to avoid happening.”

#11 Jeremy and Angela Andrews

“Due to the extreme anti-social behaviour [drunkenness, dangerous driving, littering, drug abuse etc] currently displayed at Wimbleball lake we feel that an alcohol licence would only exacerbate the problem.

South West Lakes Trust have failed to deal with the current problem and Wimbleball lake is becoming an unsafe environment for visiting families and locals.”

#12 Kingsbrompton Farm

“I'm strongly objecting to the proposed alcohol license at wimbleball reservoir. There is a major problem with the reservoir visitors especially around bessom bridge with alcohol being the main culprit, there's anti social behaviour, threatening behaviour, broken drinks bottles and empty cars, vandalism of council verges, bessom bridge used as a car racing strip after dark, no social distancing whatsoever, bad parking, abandoned cars, illegally trespass, illegal jumping off the bridge etc etc.all alcohol fuelled so if the license gets the go ahead it'll make an already out of control situation even worse. South west lakes trust and the national park know they have a major problem there but have both failed to do anything about it. The police have been there numerous times and haven't done anything so having alcohol ad lib will just add more fuel to the fire, victimising locals and families

who used to visit the reservoir. The company applying for the license are only interested in money, not the beauty and tranquility of the lake.

There is no mobile phone service so drunk drivers will cause absolute carnage on the roads.

Wimbleball lake is supposed to be a dark skies status area so by allowing drinking into the night will cause light pollution and as we know even more anti social behaviour by encouraging the wrong type of visitor.

It must not be allowed to happen at any cost as this will lead to more unwanted events and many many more people won't visit the area as well as more vehicle and light pollution."

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account - For the good of Wimbleball lake this license mustn't be allowed to happen.

#13 Laura Elizabeth

"To whom it may concern,

I have been a frequent visitor to Wimbleball lake over the past 20 years and have enjoyed it for its stunning natural beauty and quiet relaxing atmosphere. I deeply fear that grant of an alcohol licence would harm both of these qualities, would be detrimental to the majority of visitors enjoyment, and would in fact fly directly in the face of South West Lakes Trusts charitable statements which include the protection and conservation for the public benefit of the natural environment in areas within the South West of England and the provision in such parts of the Area of Benefit as is appropriate of facilities for recreation and other leisure time occupation in the interests of social welfare .

I believe this because:

1} Wimbleball lake is primarily an area of conservation, which requires responsibility from all of its visitors to maintain e.g keep free from litter, respect natural flora and fauna. Persons under the influence of alcohol are far less likely to uphold these crucial responsibilities.

2} Another main attraction for visitors to Wimbleball lake is the enjoyment of outdoor activities such as watersports and high-wire ropes. Neither of these are appropriate activities for persons under the influence of alcohol to partake in for obvious safety risks, yet it is difficult to see how activities staff at Wimbleball would be able to effectively monitor alcohol consumption by visitors, particularly those who purchase take-away alcohol to consume while out on the water, and those who self-launch their own boats. I am deeply troubled by the safety risks outlined here.

3} Many visitors to the lake enjoy it as a family-friendly day out, and many have young families. It is difficult to see how the provision of alcohol would enhance the visits of such visitors, and instead is more likely to result in noise disruption and nuisance. Moreover, the lakes adventure playground, watersports activities, and lake itself all pose safety risks to children as serious as drowning, therefore constant supervision of a responsible adult is required. The sale of alcohol is therefore not appropriate in such an area that requires a high level of vigilance; something that may not be realised by parents unfamiliar with the area who purchase alcohol at the cafe upon arrival before exploring the rest of the lake.

4} Transportation provisions are completely unsuitable. The lake is not accessible by public transport, and the closest taxis are based miles away in Minehead or Tiverton. I fear that persons who purchase alcohol at the lake may be inclined to drive under the influence. Although hopefully many responsible visitors would have a designated driver, it is not difficult to imagine a common scenario in which visitors purchase alcohol upon arrival before spending the day at the site with the belief that they will be under the limit by the time they intend to leave. My concern in this dangerous scenario is that

when drivers are incorrect, they will have few alternative options, with no public transport and no reliable mobile phone signal to arrange alternative transport. Driving under the influence of alcohol is of course illegal, and is a particular threat on the small single-lane country roads which service the lake {that many visitors are not used to driving on} and is a huge danger to local residents.

5} Swimming in the lake is prohibited for both safety and conservation reasons. Persons under the influence who decide to swim are at risk of drowning, and as staff at the activities centre are not on 24 hour patrol to monitor these behaviours despite the lake being accessible 24\7, this poses a huge risk to visitors who have consumed alcohol.

6} The lake is entirely surrounded by farmland, mostly livestock farms. Persons under the influence of alcohol, and particularly those who are dog owners, may pose a risk to livestock as well as local wildlife. It is imperative that dog owners prevent sheep worrying, but it is difficult to see how this could be ensured when referring to those under the influence of alcohol.

7} Recently, there has been a surge in crime at the lake. Particularly, people use Bessom Bridge {the road bridge over the northern end of Wimbleball} as an area to meet and partake in antisocial behaviour and crime relating to drugs, for which the police have been called to on multiple occasions. The supply of alcohol at the lake itself and the presence of people under the influence of alcohol at the site detract from the family-friendly atmosphere of the lake, and its use as quiet attraction to be enjoyed for its natural beauty. I truly believe that this change would negatively impact the enjoyment of most peoples visits to the area, and even result in fewer visitors.

8} The cafe site is in close proximity to a number of local residencies, and the supply of alcohol in the evenings{e.g. by visitors staying at the campsite} or at events held at the cafe will inevitably cause noise disruption to these residents, most of whom are over the age of 60, and pose a nuisance to the wider local community.

I heavily urge you to consider these arguments before granting the licence. Wimbleball lake is a special place to many of its visitors who want to come to a quiet place of natural beauty. There are plenty of alternative places in which people can enjoy alcoholic beverages in a responsible manner that do not present the same safety, environmental and social concerns outlined here."

Are there any licence conditions or amendments to the applications which you could suggest that would remedy your concerns, or other suggestions you would like a Licensing Sub Committee to take into account – "No amendments to suggest. I believe that the grant of any licence would be inappropriate."

#14 Abigail Farmer

"The cafe is next to the lake and it is very dangerous to be around feel water and attempt water sports while drunk. There is not a security presence around the lake to prevent intoxicated individuals from swimming or jumping into the lake and injuring themselves.

Wimbleball is a quiet beauty spot, and the peace of the national park could be ruined by drunk and rowdy individuals.

There is also substantial farmland and a number of residents living around the lake and close to the cafe, it would be a nuisance to the farmers to have drunk and disorderly individuals around their livestock, as well as disputing the peace for those living nearby.

The cafe is in a very remote location with no mobile signal and no local taxi company (that I am aware of). This area already has a problem with drunk drivers as it is very rural, there is little to no police presence, and no public transport to the lake. As such it would be tempting for customers to drink and drive, endangering their lives and the lives of others.

The location and general environment of this business is not one that encourages drinking, as it is frequented by families, tourists and walkers; therefore I do not think the cafe should be able to serve alcohol, as the risks outweigh any boost it could provide to an already popular business."

#15 Mrs Payne

"Wimbleball is a place where people can come and enjoy the piece and quiet with the family to get away from the stress of life and boost their well being. Drinking all day till the late evening is not good, as we would have people drink driving around our lanes. We welcome visitors but no need to have alcohol."

#16 Elizabeth Oxley

"There is already a big problem at wimbleball lake with youths gathering and jumping from the bridge. This creates difficulty driving over the bridge and is a safety issue. I feel that the addition of a late license would fuel this and potentially increase the problem. I worry about the risk of increased crime in the area due to people being around much later than they would be currently."

APPENDIX D

Responses to Notice of Hearing

#1 Abigail Farmer

Sent: 22 June 2020 22:32

Subject: Re: WK44720 NOTICE OF HEARING - Application for a premises licence, Coffee Couture, Wimbleball Lake

Hi Brad,

Thank you for the updates, I am afraid I will be unable to attend the mediation meeting and the hearing as I will be at work.

Kind regards

Abigail

#2 Cllr Nick Thwaites

Sent: 24 June 2020 12:29

Subject: Re: WK44720 NOTICE OF HEARING - Application for a premises licence, Coffee Couture, Wimbleball Lake

Good morning Brad, this is to confirm I will attend both the mediation on 30th. June and the sub committee meeting on 13th July.

Regards Nick

#3 Elizabeth Oxley

Subject: Ref WK/44720

To whom it may concern,

I am writing to inform you that I will not be attending or be represented at the hearing on 13th July regarding the coffee couture license.

I do not believe the hearing is unnecessary.

I do not intend anyone to represent me at the hearing.

I have no documents to enclose.

Yours sincerely,

Elizabeth Oxley

#4 Upton Parish Council

Sent: 02 July 2020 11:41

To: Fear, Brad

Subject: Re[2]: Fwd: WK44720 NOTICE OF HEARING - Application for a premises licence, Coffee Couture, Wimbleball Lake

Hi Brad,

I can confirm Mrs Fran A'Brook Chairman of Upton Parish Council (who also attended zoom meeting on 30th June) will be attending the zoom hearing on Monday 13th July.

Our key points remain the same as those previous expressed in the on-line submission and at the mediation meeting.

Kind Regards

Phoebe

#5 Mark Streeter (Applicant) – confirming attendance of Ausra

From: Mark Streeter

Sent: 02 July 2020 14:37

To: Ausra Bulovaite, Fear, Brad

Hello Both

Ausra as discussed I'm in Bristol for a meeting this day.

Brad I agree with all the amendments and Ausra has the authority to deal with this application. Ausra runs all of the businesses for me and is more than capable.

I hope we can get a successful solution to this as I'm sure you can imagine Businesses need all the help they can get at the moment.

Mark Streeter

Ingreedients & SW Procurement

Coffee Couture

#6 Brompton Regis Parish Council

From: brpcclerk

Sent: 03 July 2020 11:04

To: Fear, Brad Subject: RE: WK44720 NOTICE OF HEARING - Application for a premises licence, Coffee Couture, Wimbleball Lake

Dear Brad

This email formally advises you that I or a parish councillor will attend the meeting by phone scheduled for 13th July at 1030.

Kind regards

Sarah Buchanan

Clerk Brompton Regis parish council

#7 Dr Brian Chaffey

From: Brian Chaffey

Sent: 03 July 2020 19:52

To: Enquiries,

Cc: Fear, Brad

Subject: Hearing ref: coffee couture Reference Number: WK/44720

Reference Number: WK/44720

Application: Grant of a Premises Licence

By: Coffee Couture Plymouth Ltd

Dear Sirs

As requested please note that It is my intention to attend the hearing on Monday the 13th July.

Your sincerely

Dr Brian J. Chaffey

APPENDIX E

Proposed Amendments to Application, following Mediation Meeting

Following a mediation meeting held on 30th June 2020, amendments to the licence application were proposed by the applicant's representative, Ausra Bulovaite, in response to concerns raised by representations. These amendments were agreed with applicant Mark Streeter by e-mail on 2nd July 2020:

- The applicant will remove 'off-sales' of alcohol from their proposed licensable activities, instead applying solely for 'on-sales' of alcohol only (i.e. sale of alcohol for consumption solely on the premises).
- The applicant will amend the proposed licensable activity timings. The initial application proposed timings of 11:00 – 23:30 every day (Monday to Sunday), however the applicant has agreed to reduce this to 11:00 – 16:00 daily (Monday to Sunday).
- In addition to conditions already agreed with responsible authorities under the proposed operating schedule (**see appendix B**), the applicant is happy to add a further condition to their licence, restricting the sale of alcohol to purchases of food prepared for consumption on the premises.

The wording of this condition, as agreed with the applicant, would be:

'Alcohol must only be sold and supplied to customers who are engaged in a sit down table meal as an ancillary to that meal.'

APPENDIX F

Representation withdrawals following mediation and proposed changes

(Please note this appendix only includes representations withdrawn as of Monday 6th July at 08:30 – just before the submission of this report)

#1 Cllr Mark Blaker

Sent: 01 July 2020 11:52

To: Fear, Brad

Subject: WK/44720

Dear Brad,

Following the mediation meeting yesterday and based on the concessions agree (alcohol sold for on site consumption only, with food and during limited daytime operating hours) I am satisfied that my previous concerns have been reasonably addressed.

Yours sincerely

Mark Blaker

Councillor - Somerset West and Taunton

Wiveliscombe and District Ward
