

SWT Licensing Sub-Committee

Wednesday, 8th December, 2021,
10.30 am

**Somerset West
and Taunton**

Webcasting - Virtual Meeting

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles, Ray Tully and Loretta Whetlor

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

(Pages 3 - 32)



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

Somerset West and Taunton Council

Licensing Sub-Committee – 8 December 2021

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 Horner Farm, Horner, Minehead TA24 8HY.

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 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 does not impact on any of the issues identified within the Corporate and Function Registers.

4 Background and Full details of the Report

- 4.1 Horner Farm operates a small farm shop and pop-up restaurant, accessible directly off a large National Trust car park within the hamlet of Horner. Infrequent 'pizzas nights' are held at the premises during the summer months (usually from May to October) and a number of food events are held at the premises throughout the year. The farm shop and cafe area are within a traditional farm building, providing both a shop for off premise consumption and on site if purchased from the shop to be consumed during pizza evenings or feast nights.
- 4.2 A completed application and associated paperwork were received from applicant Holly Purdey (on behalf of herself and business partner Mark Brewer) for the granting of a premises licence for Horner Farm and this was circulated to relevant responsible authorities on 14th October 2021. 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 West Somerset Free Press.
- 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 10:00-17:00 on Monday and Tuesday, 09:00 – 17:00 on Wednesday and Thursday, 09:00-17:00 and 18:00 -22:00 on Friday and Saturday, and 09:00-17:00 on Sunday.
- 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 Representations against the application have been received from interested parties within the 28-day consultation period. These are 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. One objecting party has also expressed concerns of the potential risk of drunk drivers and an increase in littering in the area.

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 objecting parties following receipt of their representations 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. E-mail responses from the applicant addressing concerns raised by each of the objecting parties have been attached to this report as **Appendix D**.

A mediation meeting was scheduled to take place over Zoom on Friday 19th November at 10:30 am, with the intention of discerning if any compromise could be

reached that might fully alleviate the concerns of objecting parties.

Regrettably, however, neither objecting party was able to attend the mediation meeting and this could not proceed as planned. However, objecting parties were again invited to submit to the Licensing Authority any proposals they might have for the applicant, to see if mediation outside of a formal meeting was still possible. Unfortunately, no suggestions for amendments or conditions have been forthcoming from objecting parties at the time of writing this report.

Responses to notice of hearing

- 4.8 Notices of hearing were sent out by e-mail and (where addresses were provided) by post on Friday 19th November 2021 to the applicant and objecting parties. Responses to this notice are shown as **Appendix E** (Please note: these are responses received as of the time of posting this report. At the time of submitting this report, we have yet to receive a response back from the applicant. Further relevant responses will be circulated for the sub-committee's consideration, should these be received).

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.*"

- 5.1 The granting of this application would support an existing business within the district, creating additional sources of income. However, considerations must also be made, where necessary, to the Corporate Strategy's commitment to – where the granting of varying of any premises licence is concerned – 'reduce anti-social behaviour, through working with residents'.

6 Finance / Resource Implications

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

None identified

9 Safeguarding and/or Community Safety Implications

None identified.

10 Equality and Diversity Implications

None identified.

11 Social Value Implications

No social value implications were identified.

12 Partnership Implications

No partnership implications were identified.

13 Health and Wellbeing Implications

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

14 Asset Management Implications

No asset management implications have been identified.

15 Consultation Implications

None identified.

16 Scrutiny Comments / Recommendation(s)

Not applicable.

Democratic Path:

Licensing Sub-Committee

Reporting Frequency : Ad-hoc

List of Appendices

Appendix A	Application to grant a premises licence for Horner Farm
Appendix B	Agreed position/operating schedule agreed between applicant and Avon & Somerset Constabulary
Appendix C	Objections/representations received from members of the public
Appendix D	Feedback from Applicant, addressing objections
Appendix E	Responses to Notice of Hearing

Contact Officers

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

APPENDIX A

Application to grant a premises licence for Horner Farm



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

Is your business registered outside the UK? Yes No

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

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

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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 type="checkbox"/>	A limited company / limited liability partnership
<input checked="" 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="holly purdey"/>
Details	
Registered number (where applicable)	<input type="text"/>
Description of applicant (for example partnership, company, unincorporated association etc)	

Continued from previous page...

Partner

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

British

Documents that demonstrate entitlement to work in the UK

Non Individual Applicant's Name

Name

Mark Brewer

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Partner

Continued from previous page...

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 work in the UK](#)

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.

We operate a small farm shop and adjacent pizza oven and pop up restaurant. The pizzas nights operate on fridays only May - October and the pop up food events are a maximum of 8 per year. The farm shop serves both tourists and local alike, and is accessible directly of a large National Trust car park within the hamlet of Horner. The farm shop and cafe area is within a traditional farm building, providing both a shop for off premise consumption and on site if purchased from the shop to be consumed during pizza evenings or feast nights.

<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>									
Standard Days And Timings									
MONDAY	<table border="0"> <tr> <td>Start</td> <td><input type="text" value="10:00"/></td> <td>End</td> <td><input type="text" value="17:00"/></td> </tr> <tr> <td>Start</td> <td><input type="text"/></td> <td>End</td> <td><input type="text"/></td> </tr> </table>	Start	<input type="text" value="10:00"/>	End	<input type="text" value="17:00"/>	Start	<input type="text"/>	End	<input type="text"/>
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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.

Continued from previous page...

SUNDAY

Start 09:00

End 17:00

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.

We operate the shop year round but the consumption on premises will be linked to our seasonal food events and pizza oven nights. The pizza oven operate may - october on fridays only. And our seasonal food events on saturdays maximum of 10 times a year

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

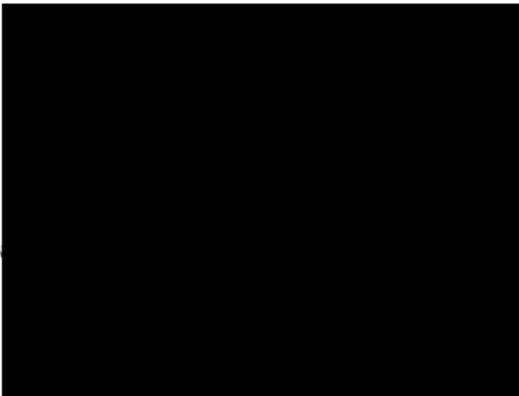
First name

holly

Family name

purdey

Date of birth

<i>Continued from previous page...</i>	
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)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>
PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT	
How will the consent form of the proposed designated premises supervisor be supplied to the authority?	
<input checked="" type="radio"/> Electronically, by the proposed designated premises supervisor <input type="radio"/> As an attachment to this application	
Reference number for consent form (if known)	<input type="text"/> If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.
Section 16 of 21	
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.	
<input type="text" value="N/A"/>	
Section 17 of 21	
HOURS PREMISES ARE OPEN TO THE PUBLIC	
Standard Days And Timings	
MONDAY	
Start <input type="text" value="09:00"/>	End <input type="text" value="17:00"/>
Start <input type="text"/>	End <input type="text"/>
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.	

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

The saturday evening provision will only happen when our seasonal food events occur, otherwise the shop will remain shut.

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.

Section 18 of 21

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.

Both Partners will be Personal Licence holders to ensure there is always a fully trained member of the team on the premises.
There will be sufficient number of staff on the premises to cover the longer days and during busy times. full training will be provided to all staff.

b) The prevention of crime and disorder

We will request photographic identification to control underage drinking, and all staff will be trained in identifying when to ask for photographic ID,
During the opening hours of the pizza oven, glass and bottle collections will be carried out regularly and also have a taxi booking service available for customers.

c) Public safety

We have public liability insurance in place for the cafe and shop
there is sufficient lighting internally & externally leading to the carpark.
good housekeeping procedures in place to ensure public safety
We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures.
Access is provided for emergency vehicles and kept clear and free from obstruction at all times

d) The prevention of public nuisance

We are restricted to our opening times under our planning consent meaning we close at 10pm
All instances of crime and disorder will be reported to the Police as soon as reasonably practicable
We are a small farm shop and cafe, and during our feast evenings there is a maximum of 75 people on the property.
All litter will be within the cafe itself or encouraged to be taken home by customers to ensure there is not an increase of litter within the local area.
The majority of the sales will be for off premises consumption.

e) The protection of children from harm

no children to go into the bar area on feast evenings, Identification checks carried on for sale and consumption of alcohol

Section 19 of 21

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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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.

Continued from previous page...

- 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:
 - 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.

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PAYMENT DETAILS

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.vo.a.gov.uk/business_rates/index.htm

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*

*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 your are required to pay a higher fee

Band D - £87001 to £12500 £900.00
 Band E - £125001 and over £1,905.00

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. 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. If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

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

* Fee amount (£)

DECLARATION

Continued from previous page...

- 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.
 - Ticking this box indicates you have read and understood the above declaration

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?"

* Full name

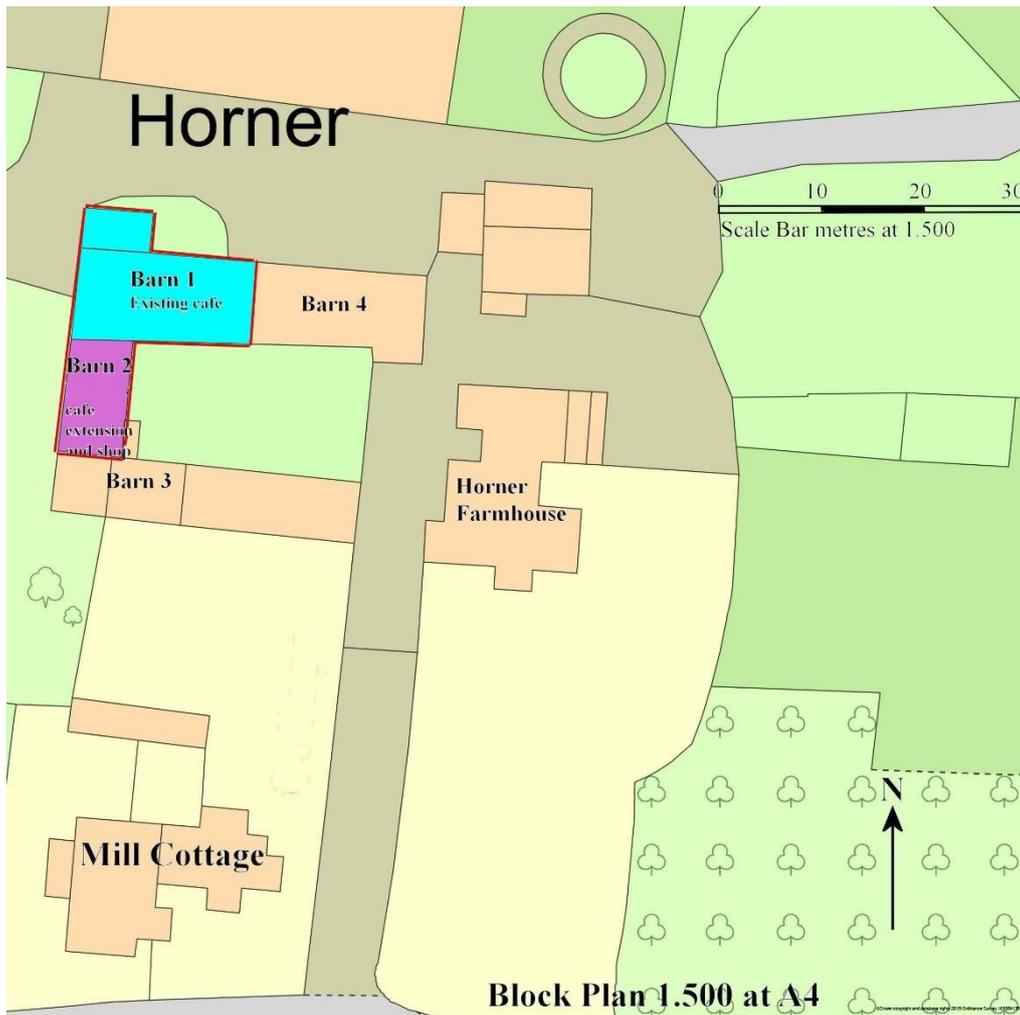
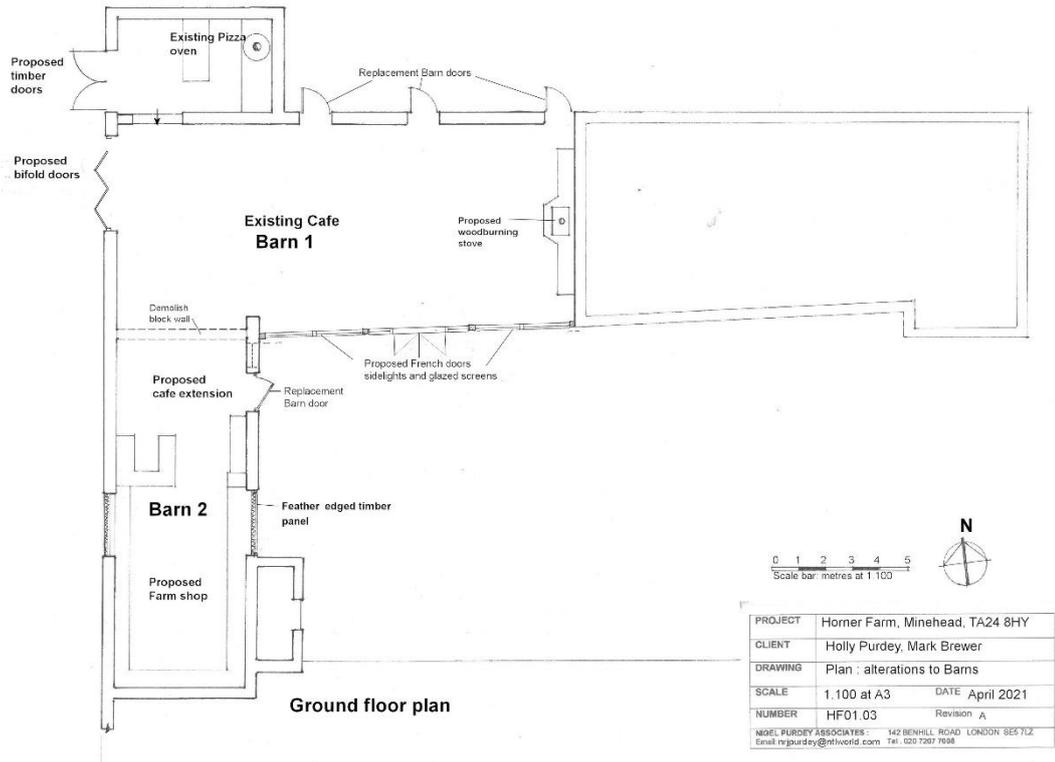
* Capacity

* Date / /
dd mm yyyy

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.

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

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



APPENDIX B

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

- 1) An incident & refusals register must be kept and used on the premises, and must record all instances where the sale of alcohol and proxy sales to a patron is refused and all incidents occurring on the premises. Records must be kept for a minimum of 12 months and must be made available request to the Local Authority, Police and Trading Standards Officers upon request.
- 2) 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 eg. Passport, driving licence, PASS card. Challenge 25 posters must be displayed.
- 3) All persons 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
- 4) Alcohol for sale in the farm shop must not be left unattended when the premises is unsupervised.
- 5) Sufficient numbers of staff must be available to monitor customers when a sale of alcohol is made for consumption on the premises.

APPENDIX C

Objections/representations received from members of the public

#1 JOHN GARBUTT

'As a local resident of this very small community of 9 houses we already have the issue with the noise from the late night events they hold and the addition of the sale of alcohol i think will make the problem worse, we already have a larger influx of traffic which is a safety issue with the non lit car park of which children roam freely. We think there is enough local shops and pubs selling alcohol that we do not need it sold here.'

(Objection received via Somerset West and Taunton Council website)

#2 GRAHAM HAW (AND JAMIE GUNTER)

'Horner is a small village of nine residences famous for its peace and quiet, which is why most of the residents choose to live here.

I have great concerns about this Premises Licence application as do other members of our small community. The potential for vehicle and people noise cannot be over exaggerated. A small village of nine residences, filled with mostly elderly people is not sufficient business for them, so most of their business will be from persons either walking to the site from Burrowhayes or driving there. Burrowhayes is seasonal only open from March to October. Any visitors during November to February will almost certainly be by car from elsewhere.

This raises the possibility of drunk drivers colliding with the many walkers, other vehicles, in the summer and an increase in the amount of litter - both in Horner and the surrounding area, as there are no litter bins. Something we are already beginning to see since the farm encouraged people buying their Friday night pizzas to bring their own alcohol.

Whilst I realise that it is difficult, but not impossible, to make a living from farming these days, I think that the effective creation of a Pub in Horner is a step too far.

Whilst I am submitting this under my name, this position is also supported by the owner of Horner Tea Gardens Mr Jamie Gunter.'

(Objection received via Somerset West and Taunton Council website)

APPENDIX D

Feedback from Applicant, addressing objections

E-mail response from applicant in relation to concerns raised by Mr Garbutt:

Thank you for passing this concern on, we can only reiterate what we have put in our application to hopefully dispel their concerns.

By our planning constraints we do not operate later than 10pm and most often people have dispersed by 9pm or we are down to very low numbers by 9pm, we are putting in planning to enclose the space to reduce noise, all events are very low key (no loud music etc), we operate as a pop up restaurant between the months of May – September on a Friday evening only and 4 feast nights a year on a Saturday.

We are unique in that we serve a large campsite less than 1km away from ourselves, reducing traffic on the road as it gives the opportunity for campers to walk and not drive to have food in the local village of Porlock.

The car park attracts in the region of 110, 000 visitors a year already, our addition of between 40 – 80 people on a Friday night is of limited impact. There are three houses that have children, one of whom is ourselves and as pointed out it would be unsafe to allow our children to roam in an unlit carpark at night and we have not witnessed this occurring so we do not feel this is a safety issue.

The shop serves tourists and locals alike the addition of alcohol is to showcase the best of Exmoor and Somerset, so we can continue to support and promote other local businesses.

E-mail response from applicant in relation to concerns raised by Graham Haw:

We are not aiming to create a pub, as submitted within the application the licence is for the shop to be able to sell alcohol to showcase local drinks producers such as Exmoor Gin or Exmoor Ale, the vision is not for consumption on the premises during the daytime hours, but as place visitors and locals have access to buy local produce to benefit the local economy.

We open on a Friday evening during June - September where consumption would be indeed be encouraged on the premises through the sale from the shop. Between the hours of 6pm and 10pm, this is very different from the description of the creation of a pub in Horner.

As the majority of the visitors to our pizza evenings are in fact local or from the campsite (who walk up) it seems unlikely there is going to be a sudden increase in drunk drivers as our customers and us as hosts have a responsible policy in place, customers book taxis if they do not have a designated driver.

Litter has not increased as a result of the farm serving pizzas on a Friday evening, the majority of our customers 90% to be exact sit in and 10% takeaway of which the majority drive away with their pizzas.

Litter has significantly increased since Covid lockdowns with the significant increase in visitors, our pizza evenings have been running since 2019 and the litter has coincided with the increased visitors

to the area following the covid restrictions, as a farm this has been especially noticeable as we have to collect litter roadside and in the car park entrance to the farm.

When customers sit in we deal with all litter accumulated through our contract with Biffa waste.

We want to be very clear in our intentions, we continue to want to celebrate local produce and our farm shop offers an incredible spot for many visitors to be able to sample sustainable produce from local business, as our Agro ecological business model intends this is not about a single business gain but multiple business growing by supporting each other to create more resilient local economy and communities. Our farm business supports more than just one family and at a time when many young people are forced to leave the area due lack of work and with current agricultural transition moving forwards this is causing a significant reduction in farm incomes, diversification is essential.

APPENDIX E

Responses to Notice of Hearing

#1 Graham Haw (NOT ATTENDING)

From: Graham Haw

Sent: 24 November 2021 12:04

To: Enquiries

Subject: Re: WK/47377 NOTICE OF HEARING - Objection to an application for a premises licence

Brad,

I won't be attending the meeting on the 8th Dec.

The only other comment I could make is that a while ago the Farm were trying to establish themselves as a wedding reception venue using the barn that is nearest to the other cottages in the village. If they did establish this, it would mean many more people attending the farm that is currently being stated.

Regards

Graham Haw

#2 John Garbutt (NOT ATTENDING)

From: john garbutt

Sent: 25 November 2021 13:48

To: Enquiries,

Subject: Re: FW: FW: SWT375226573 - Representation WK47377

Afternoon,

As the same as the last time I will not be able to participate in the zoom call as it will not be convenient for me,

Thanks

Mr Garbutt.

