

**Minutes of the meeting of Licensing sub-committee held at  
Online meeting only on Wednesday 19 August 2020 at 10.30 am**

**Present:** Councillor Alan Seldon (chairperson)  
Councillors: Elizabeth Foxton and Jeremy Milln

**Officers:** Licensing technical officer, environmental health officers and legal advisor to the sub-committee

**76. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**77. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

**78. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**79. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF  
'REDBANK BARN EVENTS, REDBANK BARN, NEW GROVES LANE, HAMPTON  
BISHOP, HEREFORD. HR1 4LD'- LICENSING ACT 2003**

Members of the licensing sub committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the supplements which had been published on 17 and 18 August 2020.

The chairperson updated the meeting to say that the outstanding environmental health conditions had now been agreed between the parties. As this application had been adjourned from the meeting scheduled for 6 August 2020, it remained with the sub committee to confirm whether or not they were happy with the agreed conditions.

As the request of the chairperson, both environmental health and the applicant confirmed that the conditions had been agreed as set out in supplement 3 which had been published on 18 August 2020.

The sub-committee had no further questions on this matter.

**DECISION**

To grant the premises licence to Redbank Barn which would include the agreed conditions with environmental health as set out in supplement 3 of the agenda papers for the licensing sub-committee.

**REASONS**

The sub-committee had taken into account all of the representations in the papers presented to them and had heard from parties at the adjourned meeting on 6 August 2020. As

environmental health and the applicant had agreed the outstanding conditions, the sub-committee confirmed that they were content with them and that the licence be granted.

**80. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF 'GILLOW CIDER, GILLOW MANOR, ST OWENS CROSS, HEREFORD. HR2 8LE'- LICENSING ACT 2003**

Members of the licensing sub committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the supplements which had been published on 17 and 18 August 2020.

The licensing technical officer presented the report.

Before the discussion on the application took place, it was acknowledged that there had been number of highway issues raised as part of the public representations. It was noted that issues in relation to highways cannot be taken into account as they do not fall within the remit of the Licensing Act 2003 or the licensing sub-committee.

The sub committee heard from environmental health who highlighted the following (full details appear in supplement 3 to the agenda papers which had been published on 18 August 2020):

- The rural location and nature of the location and the fact that there would be low background noise.
- There had been no consultation with environmental health in connection with noise pollution or a noise management plan.
- A site visit had taken place on 10 August 2020.
- The application was for two main activities:
  - A tap room for the sale of alcohol which would be collected on an appointment basis or for open days a couple of days a week for approximately 20 to 50 people.
  - One cider festival usually held in June. This annual cider festival had previously been held under Temporary Event Notices (TENS).
- A noise management plan would be approved by environmental health.
- There had been one complaint in 2018 in relation to the cider festival.
- Conditions had been agreed with the applicant which could be found in Supplement 3 of the agenda pack and were published on 18 August 2020. On this basis there were now no objections from environmental health.

The sub committee then heard from the solicitor acting for two of public representations who highlighted:

- There were agreed conditions between the solicitor and the applicant. Details of which could be found in supplement 3 of the agenda pack.
- There were concerns of noise nuisance which had been previously experienced with the annual cider festival.
- There would be one seasonal event held, normally in June, per calendar year with licensable activity hours as follows:
  - Sale of Alcohol extended to terminal hour of 01:00hrs on Fri & Sat.
  - Sale of Alcohol extended to terminal hour of 23.00hrs on Sun.

- Late Night Refreshment from 23:00 to 01:00hrs on Fri & Sat.
- Live & Recorded Music from 11:00 to 01:00hrs Fri & Sat.
- Live & Recorded Music from 11:00 to 23.00hrs on Sun.
- The noise management plan would have a named contact for complaints which would hold the applicant to account. A copy of this plan would be sent to the clerk to the parish council.
- There would be a written risk assessment with regard to the need for a SIA register staff.

The sub committee then heard from the public representations and parish council who highlighted the following:

- The main element of the representation was noise nuisance which had been experienced with the cider festival over a number of years. The noise from the cider festival was intolerable and some residents left their homes for the three days. If there were more events, then residents would never know when these were happening. The sound was audible from 1.5 km away.
- The event may finish at 2300 hrs but the noise nuisance would continue after this time with people leaving the event / premises.
- The vagueness of the application itself, e.g. why did the applicant need a licence for 365 days when it appeared that the intention was only to play music at the cider festival.
- There was a public safety concern with regard to access to the premises and an increase in traffic on a road which was narrow.
- Live and recorded music until 0100 was unacceptable as this disrupted sleep and people needed to go to work.
- The premises was located in a known accident black spot with 21 accidents in the last 5 years.
- There were inadequate sanitation arrangements on site and the parish council were unaware of planning applications for these buildings.

Prior to hearing from the applicant's agent, the chairperson stated that planning and public health issues did not fall within the scope of the sub-committee.

The sub-committee then heard from the applicant's agent:

- There had been a welcomed site visit from environmental health which had resulted in conditions being agreed.
- There had been constructive conversations with the solicitor representing two of the public representations and conditions had been agreed.
- The application had been modified to confirm that there would be one seasonal event.
- The licensable hours for the event had been agreed as (in line with the public representation agreed conditions):
  - Sale of Alcohol extended to terminal hour of 01:00hrs on Fri & Sat.
  - Sale of Alcohol extended to terminal hour of 23.00hrs on Sun.
  - Late Night Refreshment from 23:00 to 01:00hrs on Fri & Sat.
  - Live & Recorded Music from 11:00 to 01:00hrs Fri & Sat.
  - Live & Recorded Music from 11:00 to 23.00hrs on Sun.

- The tap room would provide an opportunity for visitors to sample and purchase Gillow Cider only or soft drinks. There was no intention for the tap room to become a bar.
- The tap room would not be open continuously as the premises licence holder would be away at events. Those wishing to sample alcohol would likely have to do so by appointment only.
- The tap room would have no amplified music
- The hours applied for related to the collection of the sale of alcohol via the internet or telephone
- The premises licence offered more control with regard to the annual cider festival.
- A noise management plan would be produced.
- The applicant was aware of the highway issues and noted that if there were issues there would be one route on / off the site in future.
- With regard to road accidents in relation to the proximity of the premises location, there had been 7 accidents in the last 5 years which had been classed as minor and none of them related to the cider festival.
- It was hope that the conditions agreed with environmental health and two of the public representations would ally public concern.

## **DECISION**

To grant the premises licence for Gillow Cider to include the agreed conditions with environmental health and with two of the public representations subject to the following amendments:

Public representation agreed condition 3 – the noise management plan to be sent to the clerk to the parish council at least 60 days prior to event.

Public representations agreed condition 4 – the written risk assessment to be sent to the licensing authority.

For the avoidance of doubt, the terminal hours for the seasonal event would be as per the agreed conditions with the two public representations and the applicant which are:

- Sale of Alcohol extended to terminal hour of 01:00hrs on Fri & Sat.
- Sale of Alcohol extended to terminal hour of 23.00hrs on Sun.
- Late Night Ref. refreshment from 23:00 to 01:00hrs on Fri & Sat.
- Live & Recorded Music from 11:00 to 01:00hrs Fri & Sat.
- Live & Recorded Music from 11:00 to 23.00hrs on Sun.

## **REASONS**

The sub-committee had taken into account all of the written representations in the agenda papers presented to them and had heard from all present at the meeting. It was acknowledged that this was a difficult application to determine. However, based on the evidence submitted in relation to the previous cider festivals and the fact that the applicant had agreed revised conditions to mitigate noise nuisance with environment health and two of the public representations, the sub-committee felt that the licence should be granted with these additional conditions.