

Minutes

Licensing Sub-Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Thursday, 28 October 2021
Time:	2.00 pm
Present:	Councillors R Sweeting, J Cattanach and S Duckett
Officers present:	Kelly Dawson, Senior Solicitor and Legal Advisor to the Sub Committee, Sharon Cousins, Licensing Manager; and Dawn Drury, Democratic Services Officer
Others present:	14 Garth Avenue, North Duffield, Mrs Sally May Smith, Applicant

16 ELECTION OF CHAIR

It was proposed, and seconded, that Councillor Richard Sweeting be elected as Chair for this meeting.

RESOLVED:

To appoint Councillor Richard Sweeting as Chair for this meeting.

17 APOLOGIES FOR ABSENCE

There were no apologies for absence.

18 DISCLOSURES OF INTEREST

There were no disclosures of interest.

19 PROCEDURE FOR LICENSING HEARINGS

The Committee noted the Licensing hearing procedure.

20 APPLICATION FOR A PREMISES LICENCE FOR 14 GARTH AVENUE, NORTH DUFFIELD, SELBY, YO8 5RP

The Chair introduced all the parties present at the meeting and summarised the Licensing hearing procedure which had been circulated as part of the agenda pack. All parties confirmed that they had received a copy of the hearing procedure.

It was noted that one of the representors present at the hearing was also representing other party who had entered a representation in objection to the application but had been unable to attend the hearing.

The Licensing Manager presented the report which outlined the details of the application for the determination of a premises licence for 14 Garth Avenue, North Duffield, YO8 5RP. The hearing had been necessitated by representations which had been received from four members of the public.

The Sub-Committee heard that the application was to permit the sale of alcohol at the designated premises, on any day of the week, for twenty-four-hour internet sales only, and that the premises was not open to the public.

It was confirmed that a consultation had been carried out by the applicant in accordance with the Act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerned the displaying of a notice on the premises and an advertisement in a local paper, giving details of the application and serving a copy of the application on all responsible authorities. It was further confirmed that the applicant had complied with all the statutory requirements.

The Licensing Manager informed Members that conditions had been agreed between North Yorkshire Police and the applicant following representations made by the responsible authority. The necessary amendments had been incorporated into the operating schedule following these representations and formed the conditions of any granted licence.

Members noted that the 4 people who had made representations against the application had all objected on the grounds of the prevention of public nuisance objective.

The Sub-Committee listened to evidence from the applicant, Mrs Smith and evidence in support of the relevant representations from two members of the public.

Mrs Smith explained that she believed the wording of the application which referred to the business hours of opening as twenty-four hours, seven days a week (24/7) had been misunderstood and stated that although the online business would be open 24/7 the business would not be processing sales orders 24/7.

Members noted that the applicant also ran a floristry business, with two

members of staff, from a premises in Market Weighton which was licensed, and which offered alcohol as an extra something in addition to the flowers. It was further noted that everything on the premises was available online 24/7 but alcohol could only be sold online via a courier.

Mrs Smith explained that there was very limited storage space at the premises in Market Weighton and the overflow stock was stored in the garage at the premises in North Duffield. It was further explained that this had been happening for the previous thirteen months, during which time there had been no issues around parking, deliveries, or security at the premises in North Duffield.

Mrs Smith stated that it would be preferable for the business and the environment, saving on fuel and mileage, to arrange deliveries from either address.

In response to a Member query regarding how the age of a customer would be confirmed, the applicant stated that Challenge 25 was operated by the business and that deliveries could not be left without the customer showing a form of identification. If the customer was not present at the time of the delivery, then a card would be left at the premises to inform the customer that a delivery had been attempted.

A representor asked whether conditions on extra operating hours would be acceptable to the applicant. Mrs Smith confirmed that 24/7 was only required as trading was online but there was no intention to operate 24/7. The Chairman clarified that it was within the Licensing Sub-Committee's remit to consider whether Members felt it necessary that amended conditions be attached to any licence, if granted, and not the applicant or representors.

A representor sought clarification on two letters that had been sent by the applicant which, in his opinion, contradicted each other regarding the use of the premises in North Duffield as a storage facility only. Further, it was queried, if the applicant had a premises licence in Market Weighton through East Riding Council, why was a premises licence required from Selby District Council just for the purposes of storage.

The representor requested that a letter circulated to local residents by Mrs Smith dated 20 September 2021 be submitted to Members as additional information.

The applicant also requested permission to include additional information in the form of a photograph and a copy of the premises licence application form which Members heard had been circulated to local residents by the representor. It was noted that the application form was already included within the agenda pack. All parties agreed to the inclusion of these documents as additional information and an adjournment took place for copies to be made, circulated, and read.

At the Chairman's request the Licensing Manager clarified that a

premises licence was required for the North Duffield address as the application was not purely for storage, the business provided the online sale of alcohol. Mrs Smith stated that the premises was only used as storage at present, however the premises licence would allow her to gather and package an order from either address and clarified that the letter had been circulated to try and alleviate any concerns that local residents might have.

The first representor raised concerns over the 24/7 hours applied for and stated that although this may not be an issue at the onset of the business, in the future the business could grow considerably, and infrequent deliveries had the potential to become multiple or on demand deliveries 24/7. It was further pointed out that the area was residential, and a growing business could result in noise and light pollution from security lighting and an increase in vehicle movements which would impact on a wider local area.

The representor also noted that there may be a legal charge on the property which prohibited the owner from running a business from the address in North Duffield.

In response to a question from the applicant as to whether the representor had noticed any disturbance at night or at any time in the last thirteen months, the representor responded that no, he had not.

The second representor stated that he was also representing another objector, and that their main area of concern was public nuisance. It was further clarified that this was a technical objection not a personal objection.

The representor commented that he had printed and distributed copies of the premises application for a number of elderly residents who had requested it, as they had no access to computers and submitted that it should not be assumed that those who did not make representations were in support of the premises application.

The representor submitted that the business could grow over time and would be visual and apparent and that, in his opinion, a residential house was not the place for a distribution business or licensed premises.

In response to a question from the applicant as to whether the representor had experienced any nuisance in the last thirteen months, the representor responded that no, he had not as the business had not been open.

In summing up the case for the Council, the Licensing Manager stated that businesses of this type were not unusual in the district.

Mrs Smith concluded that she understood the concerns which had been raised and sought to assure Members that there were no plans to gather orders through the night therefore additional lighting was not required.

Mrs Smith stated that she understood the alcohol licence responsibilities and would adhere to the guidelines.

The first representor had nothing further to add to his submission.

The second representor confirmed that he had nothing further to add to his submission, however, did comment that should the Licensing Sub-Committee agree to grant the premises licence application, the business should not be allowed to operate through the night as it would result in traffic movement and staff working a shift system.

All parties confirmed that they had said all that they needed to say in relation to the application.

The Chairman thanked all parties for attending the Licensing Sub-Committee and requested that they leave the meeting. It was explained that the members of the Sub-Committee would retire together with the Democratic Services Officer and Solicitor to consider the application, and in doing so would consider the representations made, the agenda pack provided, additional information submitted, and the submissions presented to it, as well as the operating schedule. The Sub-Committee would also consider the application in accordance with the Licensing Act 2003, having regard to the Secretary of States Guidance issued under section 182 of the Licensing Act 2003 and Selby District Council's Statement of Licensing Policy.

It was further explained that all parties would be notified of the outcome of the hearing in writing, within five working days, along with the right of appeal.

The Licensing Sub-Committee considered that it was appropriate and proportionate, having considered all representations and all the evidence presented and the promotion of the licensing objectives to **grant** the Premises Licence, as applied for, to the applicant.

RESOLVED:

The Sub-Committee decided unanimously to grant the Premises Licence as applied for.

Reasons for Decision:

The Licensing Sub-Committee considered that it was appropriate and proportionate for the promotion of the licensing objectives.

The meeting closed at 3.20 pm.