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Premises / Personal Licences Sub-Committee

13 January 2020

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON MONDAY, 13TH JANUARY, 2020 AT 10.01 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Casey, V Guglielmi and Winfield
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**1. ELECTION OF CHAIRMAN FOR THE MEETING**

It was moved by Councillor Winfield, seconded by Councillor Casey and:-

**RESOLVED** – That Councillor V Guglielmi be elected Chairman for the meeting.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 7 November 2019 were approved as a correct record and signed by the Chairman.

**4. DECLARATIONS OF INTEREST**

There were none.

**5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none.

**6. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - EAST COAST DISTILLERY LTD, LANDERMERE HALL FARM, BUILDING 3A, THORPE-LE-SOKEN, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicants, Nicole North and Benjamin Mann of East Coast Distillery Ltd and made introductory remarks.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration as set out in Item A.1 of the Report of the Corporate Director (Operational Services), an application for the grant of a Premises Licence for East Coast Distillery Ltd.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:-

Mondays, Tuesdays and Wednesdays	1000 to 1600
Thursdays, Fridays and Saturdays	1000 to 1600 1900 to 2300
Sundays	1000 to 1500

Section 3.0 of the written report set out the proposed licensable activities which were:-

Provision of Films	
Saturdays	1930 to 2200

Provision of Recorded Music [Background music to be played at events]

Thursdays	1900 to 2230
Fridays and Saturdays	1900 to 2300

Sale of Alcohol on and off the premises

Mondays to Wednesdays	1000 to 1600
Thursdays	1000 to 1600 1900 to 2230
Fridays and Saturdays	1000 to 1600 1900 to 2300
Sundays	1000 to 1500

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that six letters of representation/objection had been received from residents in relation to this application.

No representations have been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the applicants to give representations to the Sub-Committee and Mr Mann addressed the Sub-Committee.

Mr Mann explained that he was one of the Directors of East Coast Distillery along with Nicole North. They currently both worked in public services and running a distillery was an ambition of theirs.

Mr Mann explained that he had been born and bred in Jaywick and still lived in the area at Tendring, whereas Ms North was from another part of the country.

He said that they planned to create a successful, viable distilling business but at the present time they would remain working full time in their current jobs until the business could sustain their salaries. He said that they wanted the opportunity to be their own bosses.

Mr Mann explained that they had joined up with The Yorkshire Dales Distillery who had been mentoring them and that they were a successful distilling business.

They had now invested a significant amount of money in the premises at Thorpe and had also gained HMRC approval.

He explained that the business was built on 4 strands, the sale of alcohol, on-line, to trade, off sales and direct sales. Direct sales events such as farmers markets, the Tendring Show etc. There would also be direct sales by people coming to the distillery so the premises licence application was key to this. He explained that the margins were better if they could sell their product direct from the premises.

He explained that they had spoken to the immediate neighbours to discuss any issues which might arise and had met with them on Saturday to discuss this matter. He explained that apart from direct sales they hoped to have small ticketed events at the premises.

Ms North explained that they had carried out a lot of research and engaged with local bars and restaurants and had ascertained that there was a demand and that HMRC had also wanted proof of a demand before granting approval. Gin tourism was a growing trend and people wanted to know where their product was coming from. The business would be about informing people about the product, there would not be a bar at the premises. At present they both worked full time so would not be trading for the hours sought under the Licence but they did not want to limit themselves with regards to the hours that they would be able to trade in the future and they did want to be able to open if people rang up and wanted to visit.

The Chairman then asked if Members had any questions that they would like to ask Mr Mann and Ms North.

Members asked why they are setting up this type of business when pubs across the country were shutting down.

Mr Mann explained that the business had been funded through a Government Start-up Scheme. Distilling gin had become popular and they were proposing to distill London Dry Gin but they were also working on a low-alcohol/no-alcohol alternative as this was also becoming more popular. They would be using local botanicals for their products. Mr Mann confirmed that they would be running the activities at the premises, and that they had complete control of the business.

Members asked Mr Mann and Ms North about the events they proposed to have at the premises especially with regards to the fact that there were currently only 6 parking places at the site. Mr Mann and Ms North explained that if it was a cinema event there would not be more than 15 people at each event and if everyone drove, there would still be enough parking as there was also parking at the top of the lane. The films that would be shown would be about distilling or about the local area.

There were already units operating at the site which operated 9-5 and on Saturday mornings.

Members asked about music events and they were advised that there would only be background music at the premises as the premises were not big enough for any live acts. Events were about the product and were not about anything else, nor were they looking to diversify into other events.

Members also asked about lorries either delivering to or collecting from their premises and the use of plastic glasses for events. The applicants indicated that a couple of other businesses at the site had lorries come to the premises and that they anticipated goods being delivered to their premises and the finished product being collected but that these movements would be far less than the neighbouring businesses. So far as plastic was concerned they had probably made a rod for their own backs but they had put their plans together based on it using no plastic in the whole operation with glasses being used and washed up.

Mr Mann explained that they had had a meeting with the neighbours on Saturday to explain what their plans were and they understood that the area was a very quiet and tranquil part of Tendring. Events would be small scale, they were not running a bar but wanted to talk about their passion. They accepted that the reference to films made it sound like blockbusters would be shown there but that was not the case and they agreed there had been a poor choice of wording.

Members noted that there were already businesses operating from that site and that as part of the consideration in allowing the development of this site, environmental issues would have been looked into and that licensing had to consider the four licensing objectives. The applicants indicated that they did not yet know how sound might travel but that they would work with their neighbours and that it was a learning process. The applicants were aware it was a tranquil area, and were not keen to cause disruption.

Members asked whether the Police had checked the premises and Mr Mann confirmed that they had.

The objectors were then invited to address the Sub-Committee and ask questions of the applicants.

Sharon Darwin explained to the Committee that she was there on behalf of Andrew Chaplin. Mr Chaplin had written a letter explaining his concerns in particular with regards to the on and off site alcohol sales. He said that the premises were at odds with the area and there would be significant light and noise disturbance of the wildlife in the area. There were European protected species at the site.

Ms Darwin pointed out that the premises sat on a private road which was maintained by the farmer. Further on from the premises about  $\frac{3}{4}$  kilometre down were houses and they were concerned that people visiting the premises would follow on down to the hamlet of Landermere. She said that that part of the road was maintained by the residents. The road was ideal for cycling and they were concerned that there would be an increase in cars using the road, especially as this area was a Site of Special Scientific Interest (SSSI) where there were very rare moths, only found in two areas of

the UK of which this area was one, which lights etc could affect – lighting should only be used with detectors. The road was a public footpath and this led to a jetty at the end which was used by residents and for which the residents had responsibility for the public liability insurance. Although there was a Private Road sign at the top of the lane, as this was designated as a public footpath there was concern about the possible increase of traffic. Children used this road for cycling which they could do safely.

Ben Evans and Stephen McNair-Wilson, two of the objectors said that they were worried about the use of the jetty and accidents occurring there, especially with the opening hours proposed in the application and the possibilities of people having had too much to drink, or simply being curious.

They said that the other business did not attract visitors. They were worried that any literature prepared by the Distillery which would be either in leaflet form or on their website would show the area with the close proximity to the jetty and the creek and there was no parking at the creek, and neither were there any toilets or rubbish collection facilities. This was only set up for walkers, some who come to swim and local people.

Mr McNair-Wilson who lived in Clacton was asked why he was interested in this application and he explained that he sailed his boat from Landermere and had friends in the area.

Mr Evans stated that he had no objections with the idea of the distillery and understands that the applicants wanted to approach the business in a sympathetic way.

He asked whether the Licence was “one size fits all” and the Licensing Manager explained that the Council could not limit what alcohol was sold and could not specify that only gin was sold.

Mr Evans explained that the other businesses at the site which were a kitchen fitting business and a stonemasons were not public facing businesses and that this is what was different about this application. He said that if the distillery business was based on the beauty of the area then customers might want to see the coast nearby.

With regards to the signage in the lane regarding it being a private road, Ms North said that they were happy to have a conversation with the other businesses about signage.

Mr Mann explained that there would only be small groups at the events as they wanted the customers to have a positive experience and that they wanted to make a premium product that people enjoy. Ms North added that until all the equipment was in place at the premises, the final fire inspection could not take place, but that following their research the maximum number attending these events would be 12 in order for them to get the most from their visit.

Mr McNair-Wilson asked if the Licence was granted today, when would it take effect and he was told that it would take effect from today.

Mr Mann explained that they had intended to have their launch event at the end of February, but the Landlord, Strutt & Parker who owned the farm and the industrial premises were going to replace the roof of the unit as it was leaking and this would

mean that they launch event would be postponed until the end of March. Mr Mann explained that they had also worked with the Environmental Health Department at the Council with regards to cleanliness etc.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time, the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:-

"Application No: Application No: 19/00667/PREMGR Application for the Grant of a Premises Licence in respect of East Coast Distillery Ltd, Landmere Hall Farm, Building 3a, Thorpe le Soken, Essex

1. The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents, along with Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The Sub-Committee does not agree to grant the application in full. The sections of the application that are not agreed are as follows:-

2.2, 2.3 and 3.3 where the closing times are shown, for some days, as either 2300 hrs or 11 p.m. or 2230 hrs/10.30 p.m. The Sub-Committee have decided that the latest closing time shall be 2200 hrs or 10 p.m. on those days where later times are sought.

This was not granted because of the concerns for the residents, and the potential customers, to the business, on a private road, late at night and the potential for noise disturbance in the area as well as lighting concerns.

3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant the remainder of this application. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply, in order to satisfy the relevant Licensing Objective.

In respect of the Licensing Objective for the prevention of public nuisance and, potentially, public safety.

Reason – The Sub-Committee have heard the applicants and the objectors, and are pleased to hear that parties have already been in discussion with each other prior to this meeting, and hope that such an approach will continue in the future. The Sub-Committee have noted the concerns, particularly in relation to the road being a private road albeit with public access to the creek and the triple SSSI. It is noted that each of the residents living along that private road have a responsibility for

maintaining that road together with the main landowner. It is also noted that there are no facilities along that road to the creek/SSSI or at the creek/SSSI for parking, toilets or waste/rubbish collections.

The Sub-Committee understand that there are already a number of signs around this site because of the businesses already at this site and that the applicants are prepared to display signs advising people that there is no right of way for vehicles beyond the business premises. The display of such signage is to be a condition to this licence.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates' Court.

This Decision was made today, 13 January 2020 and will be confirmed in writing to all parties."

The meeting was declared closed at 12.05 pm

**Chairman**

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