

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Friday, 1st November, 2024 commencing at 10.00 am.

Councillor Tim Grogan in the Chair plus Councillors Kevin Foster and Andrew Timothy

Officers present: Amy Ross - Regulatory Solicitor, Nicola Kemp – Licensing Enforcement Officer, Sharon Cousins – Area Licensing Manager (observer); and Dawn Drury – Democratic Services Officer

Copies of all documents considered are in the Minute Book

1 Election of Chair

Resolved:

That Councillor Tim Grogan be elected as Chair for the meeting.

(Councillor Tim Grogan in the Chair)

2 Apologies for Absence

There were no apologies for absence.

3 Disclosures of Interest

There were no declarations of interest.

4 Procedure for Licensing Hearings

The attached procedure was noted.

5 Hidden Wines, 18 Crawford Close, Tockwith, York, YO26 7QT - Application for the grant of a premises licence

The Sub-Committee considered the report of the Corporate Director of Environment which sought determination of an application for a new premises licence in respect of Hidden Wines Limited, 18 Crawford Close, Tockwith, York, YO26 7QT.

The Licensing Enforcement Officer introduced the report which had been circulated to all parties, and explained that the licence was for the following licensable activity:

Sale by Retail of Alcohol (online sales only, consumption off the premises)
Monday to Sunday - 09:00hrs until 20:00hrs

The Officer confirmed that all statutory requirements had been complied with.

Members heard that conditions had been submitted on behalf of North Yorkshire Police, these had been accepted in full by the applicant, and both North Yorkshire Fire & Rescue Service and the Planning Authority had confirmed that they had no objections to the application.

In terms of representations from other persons, six had been received on the objectives of prevention of public nuisance and noise, four of these had subsequently been withdrawn following additional information provided by the applicant and the Licensing Authority. The remaining two representations were shown in appendix 5 & 6 of the agenda pack. Members were asked to note that some of the grounds for the representations may not directly relate to the licensing objectives but had been included in the interests of openness and transparency.

Members queried if any representations had been made by the Council's Environmental Health service, the officer confirmed that they had not, and in relation to the two representations received, the officer was asked to sum up the main aspect of the complaints. It was explained that the theme of the complaints was based on traffic and the deliveries for which the applicant had responded to and covered in their application regarding the promotion of the licensing objectives.

Submission by the Applicant

Mr Battles, Director and Designated Premises Supervisor (DPS) of Hidden Wines Limited, addressed the Sub-Committee and explained that he and his wife wanted to start an online business, as he had worked in many great establishments and wine had always been of great importance to him, they decided to develop into the wine retail sector, but only in online sales.

Mr Battles stated that he understood why his neighbours could see the potential for a public nuisance risk, but that he was keen to reassure them that the property had the largest driveway on the street, which could accommodate four vehicles at a time if necessary.

In terms of delivery vans, he would ensure that the drivers pulled onto the drive as there would be sufficient space, and that the intention was to set delivery times, although they would not always be able to control external circumstances which may affect these, such as traffic. The deliveries would be a quick stop-off, not unlike any normal grocery or Amazon-type delivery.

Members noted that with the company being a micro start-up, the business would start small due to the cost of starting a business, especially given the increase in duty on products such as wine, and then once the business built and was doing well after a few years, they would look to move to external premises from which to operate the business.

Mr Battles commented that he understood that some of the neighbours had withdrawn their objections to the application which he found encouraging, as he and his wife's responses had helped them to understand what they were doing and hopefully eased their concerns.

Finally, Members heard that where they lived was a lovely place with many of their neighbours having lived there for many years, therefore it was in their interests to be as respectful as they could be.

Mrs Battles, Director of Hidden Wines Limited, then addressed the Sub-Committee and added that they had a young family which meant that having delivery vans coming in and out at all times of the day would not be practical, and that they would ensure that any disruption was kept to a minimum for themselves as well as for their neighbours. They were respectful of the neighbours and had a good relationship with them, having lived

there for the past three years.

Members were advised that the business model of Hidden Wines was that it focused on the lesser-known regions of wines, so that rather than appealing to the masses, it would be a niche market with a type of customer that was enthusiastic about wines and that wanted to try something different. It was anticipated that the growth of the business would be gradual and slow.

Mrs Battles assured Members that they absolutely appreciated the comments that had been made by the representors and that these had been things that they had already considered themselves when discussing setting up the business. They did feel at present that there was no evidence to support the concerns that the representors had, but if in the future it did not work, then they would look to move to a more appropriate setting. At present, part of the main reason of having the premises at their home to start with was to try to keep the initial costs to a minimum, but also to be able to balance this with their current jobs and childcare.

Members were advised that the applicants expected no more than five deliveries per week upon set up, which would be made during the week only, and that currently they had just one customer. If the business were to become successful, the applicants would look to move to different premises, but at the current time the business was able to be reasonably managed at the present address.

In relation to the deliveries, the applicants had spoken with their suppliers who are very supportive and knew that the deliveries would be made to a residential area; the suppliers had confirmed that they would use appropriate transportation, in the form of transit vans. The size of orders would be very small, for example perhaps two cases per product and possibly stocking 30 to 40 products, with 6 to 12 bottles of wine per product. A priority for the applicant would be to ensure space on the driveway for the transit vans to pull onto.

Mrs Battle explained to Members where the positions of the houses were within the cul-de-sac where the two neighbours who had submitted representations lived and advised that a transit van delivering to the business should not restrict any access to those properties.

Members queried when the company commenced trading, how many staff the applicants employed, when Mr Battles qualified for the personal licence and whether the applicants would be making deliveries themselves. Mr Battles confirmed that the business commenced in September 2024, that the business consisted of just him and his wife, that he received his personal licence in 2018, and that if the address was local, they would be delivering, but primarily deliveries would be made by the courier DHL, as they had age verification procedures in place.

Members asked Mr Battles what experience he had in the retail trade, Mr Battles stated that primarily his experience was in the hospitality industry, where he had worked his way up to management level. Although he admitted to having limited experience in the retail trade, he felt that his experience came from his knowledge and understanding of wine, which he is passionate about, and he had always been good at selling wine at the various establishments he had worked at.

The meeting was adjourned to allow Members to deliberate the application.

The Sub-Committee considered the report from the Director of Environment including appendices 1 – 7.2, an updated location plan showing the correct location of the neighbour who had submitted the first representation in relation to the premises, all written and oral representations from all parties, whilst also taking into account the Licensing Act 2003, the Secretary of State Guidance issued under section 182 of the Licensing Act 2003, North Yorkshire Council's Statement of Licensing Policy, and the promotion of the

licensing objectives.

- i) The Sub-Committee was impressed by the applicants' presentation and in particular by their mindfulness of the representations made by their neighbours. It was apparent to the Sub-Committee that the applicants were clearly committed to maintaining good relationships with their neighbours.
- ii) The Sub-Committee was satisfied that North Yorkshire Police had the opportunity to work with the applicants and that the conditions proposed by them to promote the licensing objectives had been accepted by the applicants.
- iii) The Sub-Committee noted that four of the six representations received had been withdrawn. The Sub-Committee had regard to the concerns raised by the two remaining representations, predominantly concerning the use of delivery vans and parking, however, it was noted that highways matters were not a licensing consideration. It was however discussed with the applicants that the Sub-Committee would strongly encourage the applicants to ensure the delivery vehicles used were no bigger than transit-sized vans as discussed during their presentation.
- iv) The Sub-Committee noted that no representations had been made by the Council's Environment Health department, and that North Yorkshire Fire & Rescue Service confirmed they had no objections to the application
- v) The Sub-Committee was ultimately satisfied that the applicants would be promoting all four licensing objectives with the conditions that had been accepted.

Resolved

The Sub-Committee resolved unanimously to grant the premises licence as requested in the application

The meeting concluded at 10.23 am.