

LICENSING SUB-COMMITTEE

Tuesday, 6 May 2025

Attendance:

Councillors:
Laming (Chairperson)

Morris

Warwick

Officers in attendance:

Nick Lindner - Licensing Officer
Carol Stefanczuk – Licensing Manager
Laura James – Senior Litigation and Licensing Solicitor

[Recording of meeting](#)

1. **TO CONFIRM A CHAIRPERSON FOR THE MEETING**

RESOLVED:

That Councillor Laming be confirmed as Chairperson for the meeting.

2. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

3. **APPLICATION FOR NEW PREMISES LICENCE - MI BELLO LUGAR, BROOKLANDS FARM, BOTLEY ROAD, BISHOPS WALTHAM, SOUTHAMPTON, HAMPSHIRE, SO32 1DR (LR592)**

The Chairperson welcomed all those present to the meeting:

Applicant:

Shane Oliver - Applicant
Michael Tunnicliffe – Business Partner (son-in-law of applicant)

Other Persons who have made written representations:

Chris Scrutton (representation on page 42) - also speaking on behalf of John Knowles (representation on page 41) and Louise Watson and David Biddle (representation on page 45)

The Licensing Officer introduced the report which set out an application for a new premises licence under section 17 of the Licensing Act 2003 for Mi Bello

Lugar, Brooklands Farm, Botley Road, Bishops Waltham, Southampton, SO32 1DR.

It was reported that the premises was a former shipping container converted into a craft cider making facility which included an area of surrounding land for patrons to sit outside. The premises licence application had been submitted in order to be able to sell cider made on the land to the public. The applicant was seeking for members of the public to be able to drink alcohol on the premises so that they could choose which to purchase to take away for off-site consumption. The applicant stated that there would be no vehicular access to the site by the public, and a 'walk-to' premises was proposed and clarification of this was sought by the licensing authority during the consultation process.

It was stated that the land would be accessible by walkers only using the bridleway, the Pilgrims' Way and a privately maintained lane over which there are public rights of way. Access was shared with three other owners and there was equestrian usage and small commercial units that shared access to the site.

The application proposed to provide licensable activities as follows:

- (a) Supply of alcohol (for consumption on and off the premises) from 0900 to 2100 hours (Monday, and Friday to Sunday).

The Sub-Committee's attention was drawn to the 'seasonal variations' section of the application, in which the applicant had indicated some changes to the hours of trading that would be anticipated during the winter months. The full application was set out in Appendix 1 to the report.

The Sub-Committee were advised that no representations had been received by Responsible Authorities. Four written representations had been received from 'Other Persons' against the application, one of whom was in attendance and addressed the Sub-Committee. The written representations were set out in full in Appendix 2 and related to three of the licensing objectives, the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Licensing Officer advised the Sub-Committee that the four representations received were originally considered invalid by the licensing authority. However, upon seeking legal advice it was deemed that they be accepted as valid representations as they referred to concerns relating to the safety of the public accessing the premises, which were not sufficiently mitigated within the application.

It was noted that the representations made reference to planning permission. The Licensing Officer clarified that the council's policy and Section 182 guidance stated that, prior to submitting an application to the licensing authority, the applicant should ensure that there was appropriate current planning permission for the hours and activities for which the application was being made. If the necessary planning permission was not in place, the licence holder would be subject to planning enforcement under planning legislation. The Licensing Officer reminded all parties that planning and licensing regimes were separate matters and were subject to their own enforcement.

In conclusion, the Licensing Officer advised that, if the Sub-Committee were minded to grant the application, there were conditions as set out in Section 5 of the report, which the Sub-Committee could consider and amend as appropriate to promote the licensing objectives. Any additional conditions considered by the Sub-Committee were subject to the applicant being given opportunity to respond and explain how this may affect their business operation.

The Sub-Committee's attention was drawn to supplementary information issued following the publication of the agenda pack listed as follows which contained additional information submitted by the Applicant that had been published prior to the meeting taking place.

- (1) [Supplementary Agenda 1 – LR592 Appendix 4 \(Supporting information submitted by the Applicant\)](#)

At the invitation of the Chairperson, Shane Oliver (applicant) and Michael Tunnicliffe (business partner and son in-law) addressed the Sub-Committee to set out the application and responded to questions from the Sub Committee thereon. In addition, where appropriate, points raised were answered by the Licensing Manager and the Council's Senior Litigation & Licensing Solicitor accordingly.

In summary, the applicant stated that the proposal was to allow the sampling of cider and that walkers would be able to leave with purchased plastic/cardboard cartons of cider in two-pint measures or four pints, up to 10 or 20 litre containers. The applicant clarified that if walkers did not want to sample cider, they may be offered a glass of wine as an alternative for purchase, along with the availability of soft drinks and tap water. Free delivery would be offered for larger containers purchased and the use of public parking in nearby Bishops Waltham for those wishing to take away their purchases would be encouraged. No external lighting would be provided on the site, other than from the motion sensors which were already in situ.

In addition, to address the concerns of 'Other Person's, the applicant offered to provide personal contact details to enable residents to make direct contact regarding any issues that may arise. Furthermore, the applicant indicated that if they decided to run any events, they would be prepared to apply for temporary event notices (TENs) and to limit attendance to 100 persons. Predominantly these would be 'release events' to promote the start of the cider production season in May and there was no intention to hold any licensable entertainment at the premises.

The Chairperson then invited 'Other Persons' who had made relevant written representation to address the Sub-Committee.

Chris Scrutton spoke in relation to his written representation, and on behalf of John Knowles and Louise Watson and David Biddle who had also made written representations to the application and responded to questions from the Sub Committee thereon. In addition, where appropriate, points raised were answered

by the Licensing Manager and the Council's Senior Litigation & Licensing Solicitor accordingly.

In particular, the Sub-Committee referred to concerns raised by the 'Other Persons' relating to measures that could be taken to address any possible failure to uphold the licensing objectives, these included the licence being called in for review.

The Chairperson announced there would be a short adjournment in proceedings to enable the Sub-Committee to seek legal advice. The Council's Senior Litigation and Licensing Solicitor clarified that, any legal advice given during the adjournment would be summarised upon the resumption of the Sub-Committee, in the interests of fairness and transparency of process.

The meeting was adjourned at 11.30am and reconvened at 11.55am.

Upon recommencement of the meeting, all parties were informed that legal discussion with the Sub-Committee had focussed on the imposition of additional conditions and the nature of such, to address the issues raised during the hearing and by those 'Other Persons' who had submitted written representations.

The Sub-Committee were reminded that conditions must be proportionate and appropriate to the business and the impact they may have on the applicant. A discussion ensued at the hearing regarding possible additional conditions stated to be 'without prejudice' to the decision of the Sub-Committee.

If the Sub-Committee were minded to grant the application, the nature of the conditions were stated by the council's Senior Litigation and Licensing Solicitor to be in order to achieve a balance between the ethos of the legislation to allow a business to trade. However, the Sub Committee were also required to take into account the representations from 'Other Persons' as to the challenges the granting of a licence would present for them, in terms of the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.

The additional proposed conditions were read out at the hearing, in draft form as follows:

- (i) Sampling measures of cider (tasting flights) would not exceed a third of a pint.
- (ii) Alcohol sales would be limited to cider; The alcohol strength would be below 8.5 % (altered in conjunction with the applicant's input).
- (iii) There would be an earlier end time in the darker months (various discussions over wording took place and use of GMT and BST was said to be enforceable by the licensing authority).
- (iv) Advertised events limited to four per year- this was agreed with applicant – temporary event notices (TEN) applications would be used if more events were required.
- (v) As offered by the applicant, a maximum attendance of 100 persons at events.

- (vi) Such events will be recorded when they take place and that the recording shall be made available for inspection by the licensing authority and other responsible authorities.
- (vii) Signage to be placed near the entrances to the licensed area reminding patrons there was no vehicular access to the site and directing them to the nearest car parks.

In response, the applicant confirmed he would be willing to agree the additional conditions as set out above.

The Sub-Committee retired to deliberate in private. The Council's Senior Litigation and Licensing Solicitor emphasised that the decision given at the hearing would be a summary only and the full decision would be provided in writing within five days of the hearing date, in accordance with legislation. The written decision would form the 'Decision Notice' in the event of any conflict with the oral summary.

In the closing statement, the Senior Litigation and Licensing Solicitor stated that the Sub-Committee had carefully considered the application, the representations made by 'Other Persons' and the applicant's evidence given at the meeting. It has taken into account the Council's Statement of Licensing Policy, the Public Sector Equality Duty, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee gave regard to the licensing objectives and guidance and sought to achieve an appropriate balance between the application and the likely impact on those living and working in the area, it being predominantly countryside with small scale associated activity and limited vehicular access.

RESOLVED:

The Sub-Committee has concluded that the Premises Licence should be granted with conditions set out in the officer's Report at section 5, those as offered by the applicants in their application, and the following additional conditions:

1. Sampling measures of cider (also known as 'tasting flights') shall not exceed a third of a pint.
2. Alcohol sales shall be limited to cider only.
3. The alcohol strength of the cider shall be below 8.5 %.
4. For the months during British Summer Time the hours for the sale of alcohol shall be 0900 hours to 2100 hours and Greenwich Mean Time the hours shall be 0900 hours to 1800 hours.
5. Advertised public events shall be limited to four per year.

6. The maximum attendance at any one such event shall be 100 persons, including staff and any entertainment personnel.
7. Records of such events shall be made in permanent form, providing the numbers attending each event, the date when they take place and that record be made available for inspection by the Licensing Authority and other Responsible authorities.
8. Signage shall be placed near the entrances to the licensed premises and maintained at all times, reminding patrons there is no vehicular access to the site and directing them to the nearest car parks.

For the following reasons:

1. Taking account of all the circumstances, the conditions discussed at the hearing and agreed by the applicant as reasonable and proportionate, sufficiently promoted the licensing objective of public safety.
2. The promotion of public safety and prevention of public nuisance licensing objectives. Residents were concerned the business would be a larger scale than suitable for the surroundings and so as not to undermine the licensing objective, the additional conditions above were imposed to strike a reasonable and proportionate balance.

All parties would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of notification of the decision.

The meeting commenced at 10am, adjourned between 11.30am and 11.55am and between 12.20 pm and 1.10 pm, and concluded at 1.15 pm.

Chairperson