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LICENSING & APPEALS SUB-COMMITTEE

Minutes of a virtual Hearing of the Licensing & Appeals Sub-Committee held at 10:30am on Wednesday 25th August 2021.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT	Councillor Tony Morley - In the Chair.
	Councillor Graham Elliott Councillor Mark Wakeman
	Eileen Tierney - Licensing Manager Kerry France - Principal Solicitor Simon Johnson - Democratic Services Officer
Applicant & Witnesses	
Ms Jenny Else	Applicant - Middle Wild Park Farm Ltd
Ms Karen Cochrane	Applicant's Representative - Flint Bishop LLP
Ms Darina Else	Office Manager - Middle Wild Park Farm Ltd
Mr Christopher Peach	DPS - Middle Wild Park Farm Ltd
Representations & Witnesses	
Mr James Hodson	Local Resident
Mr Andrew Smith	Local Resident

104/21 – ELECTION OF CHAIRMAN

It was moved by Councillor Graham Elliott, seconded by Councillor Mark Wakeman and

RESOLVED That Councillor Tony Morley be elected as Chairman of the Sub-Committee
(unanimously)

105/21 – LICENSING ACT 2003 - APPLICATION A PREMISES LICENCE: PUB IN THE WOODS, MIDDLE WILD PARK FARM, WILD PARK LANE, BRAILSFORD, DERBYSHIRE DE6 3BN.

The Sub-Committee considered an application for a Premises Licence made under Section 17 of the Licensing Act 2003, for 'Pub in the Woods' at Middle Wild Park Farm, Wild Park Lane, Brailsford near Ashbourne, for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

The Chairman invited the participants to introduce themselves, asked whether any party wished the Sub-Committee to consider the application in private and confirmed that the Sub-

Committee was quorate.

The Licensing Manager gave an outline of the application.

The Sub-Committee and the other parties were afforded an opportunity to request clarification of the Licensing Manager's report.

The Sub-Committee then heard representations from the following:

Representations & Witnesses	
Mr James Hodson	Local Resident
Mr Andrew Smith	Local Resident

The Sub-Committee had the opportunity to question any of those making representation.

The Applicant's representative Ms Karen Cochrane, the Applicant Ms Jenny Else, the Office Manager Ms Darina Else and the Designated Premises Supervisor (DPS) Mr Christopher Peach were also afforded the opportunity to request clarification of any points.

Ms Karen Cochrane and Ms Jenny Else then presented the case for 'Pub in the Woods'; supported by the Office Manager and DPS.

The Sub-Committee had an opportunity to question the Applicant and the Applicant's Representative.

All parties were afforded an opportunity to request clarification of any points.

The Sub-Committee Members confirmed that they had sufficient information to make a decision and withdrew into private session to discuss their findings.

106/21 – DECISION

The Sub-Committee resumed in public session.

It was moved by Councillor Graham Elliott, seconded by Councillor Mark Wakeman and

RESOLVED (unanimously) That following careful consideration of the representations put forward and the submission made by the Applicant's representative, the Sub-Committee approves the application for a Premises Licence, as submitted, for the 'Pub in the Woods' Middle Wild Park Farm, Wild Park Lane, Brailsford, Derbyshire DE6 3BN.

A full Notice of Decision will be issued and sent out with 5 working days.

Rights of Appeal against this decision should be made to the Magistrates' Court acting for the petty sessional area in which the premises are located. You must do this in writing within 21 days of the date of the written Notice of Decision.

Hearing Closed: 11.50am

**106/21 LICENSING & APPEALS SUB-COMMITTEE - DECISION
(Licensing Act 2003)**

**Record of proceedings of the Derbyshire Dales District Council's
Licensing & Appeals Sub-Committee held on Wednesday 25th August
2021 at 10.30am.**

Full name of Applicant: Middle Wild Park Farm Ltd.

Premises Address: 'Pub in the Woods' Middle Wild Park Farm, Wild Park Lane,
Brailsford, Derbyshire DE6 3BN.

Reason for attendance at the Sub Committee:

To determine an application for a Premises Licence made under Section 17 of the Licensing Act 2003, for 'Pub in the Woods' at Middle Wild Park Farm, Wild Park Lane, Brailsford near Ashbourne, for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

Constitution of Committee:

Councillor Tony Morley (Chairman).
Councillor Graham Elliott.
Councillor Mark Wakeman.

Representations made by:

Mr James Hodson	Local Resident
Mr Andrew Smith	Local Resident

Names of others present:

Eileen Tierney - Licensing Manager.
Kerry France - Principal Solicitor.
Simon Johnson - Democratic Services Officer.

Premises' Representatives:

Ms Jenny Else	Applicant - Middle Wild Park Farm Ltd
Ms Karen Cochrane	Applicant's Representative - Flint Bishop LLP
Ms Darina Else	Office Manager - Middle Wild Park Farm Ltd
Mr Christopher Peach	DPS - Middle Wild Park Farm Ltd

1. The meeting was conducted in public, with the agreement of all parties.

The Sub-Committee withdrew into private session to consider its decision and were advised by the Sub-Committee legal representative that only evidence that was relevant to the four

Licensing objectives could be taken into consideration and that it was important that any conditions attached to a Licence should be to promote the Licensing objectives.

2. Chairman’s note of evidence (i.e. concise details of all oral and written details put before the Sub-Committee).

The Sub-Committee considered the report and comments made by the Licensing Manager including details of the application for a Premises Licence by Middle Wild Park Farm Ltd, for ‘Pub in the Woods’ at Middle Wild Park Farm, Wild Park Lane, Brailsford near Ashbourne.

The Sub-Committee heard from the Licensing Manager that there had not been any objections/objections in principal from the responsible authorities during the consultation period.

The Sub-Committee heard that the Applicant had already trialled the ‘Pub in the Woods’ using Temporary Event Notices (TENs) to authorise the sale of alcohol, the provision of late night refreshment and the provision of regulated entertainment; TENs are given (not applied for) and are a fast-track, light touch authorisation introduced by the Licensing Act 2003 to enable people to provide licensable activities at one-off events at short notice.

The Sub-Committee listened carefully to the representations by those present whom are resident near to Middle Wild Park Farm.

Ms Karen Cochrane and Ms Jenny Else, supported by the Office Manager and Designated Premises Supervisor (DPS), informed the Sub-Committee that the application would be for a Premises Licence, for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

Ms Karen Cochrane and Ms Jenny Else, supported by the Office Manager and DPS, were questioned by both the Sub-Committee and those making representations on the following points:

- Abatement, monitoring and control of noise nuisance.
- Control of anti-social behaviour.

3. Findings of the Sub-Committee on questions of fact material to the decision (i.e. the relevant facts accepted from the evidence available).

Are detailed in the Reason for the Decision.

4. Full text of unanimous decision.

RESOLVED
(unanimously)

That following careful consideration of the representations put forward and the submission made by the Applicant’s representative, the Sub-Committee approves the application for a Premises Licence, as submitted, for the ‘Pub in the Woods’ Middle Wild Park Farm, Wild Park Lane, Brailsford, Derbyshire DE6 3BN.

A full decision notice will be issued and sent out with 5 working days.

Rights of Appeal against this Decision should be made to the Magistrates' Court acting for the Petty Sessional Area in which the premises are located. You must do this in writing within 21 days of the date of the written Notice of Decision.

Reasons for Decision:

On 30th June 2021, an application was received for Middle Wild Park Farm Ltd, for 'Pub in the Woods' at Middle Wild Park Farm, Wild Park Lane, Brailsford near Ashbourne, for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

After the application was introduced by the Licencing Manager, the Sub-Committee heard from Mr James Hodson and Mr Andrew Smith, both local residents and considered their representations and objections. Their concerns included the number of events could in essence be every single night of the week

Additionally the Sub-Committee heard from the Applicant's Representative Karen Cochrane who is a solicitor with Flint Bishop. She spoke at length that the applicant's intention was not to hold events every night, but that this gave the applicant flexibility to accommodate events and functions in the future which was against the norm.

The Sub-Committee considered and took into account the measures proposed by the applicant to promote the 4 licensing objectives, these being:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

and the Sub-committee was satisfied that the evidence supplied in the application and this hearing these objectives, at the current time seemed to be met.

The Sub-Committee however were minded that there were no objections from Environmental Health or other Responsible Authorities and it was noted that, to date, the District Councils Environmental Health Department did not appear to have received any formal complaints. Mr Smith did confirm that he was seeking to keep matter amicable and not wishing to raise formal complaints. However should noise disturbance become such that warrants a formal complaint, then this option is open to residents in the future.

Additionally the Sub-committee considered the provisions of the 2003 Act, and the most current Statutory Guidance issued to Licensing Authorities under section 182 of the Act (April 2018).

The Committee had regard to the District Council's most current Licensing Policy Statement and in making its decision the Licensing Sub-Committee acknowledged and discussed their powers as follows:

- To approve the application;
- To reject the whole of the application;
- To reject part of the application;

- To exclude licensable activities from the licence; – restrict hours of the activities; – and/or attach conditions consistent with the Operating Schedule part of the application, or other conditions deemed necessary and proportionate for the promotion of the licensing objectives.

The Sub-Committee also confirmed that in reaching its decision it had regards to the evidence presented in the report, the evidence presented at the Sub-Committee hearing, together with the Council's Licensing Policy and statutory government guidance.

The Sub-Committee in considering all the evidence and guidance resolved that the application for a Premises license be approved.

Chairman

Date: 25th August 2021.