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## **LICENSING & APPEALS SUB-COMMITTEE**

### **LICENSING AND APPEALS COMMITTEE**

**Minutes of a Meeting held on Thursday 30 April 2015 in the Conference Room, Agricultural Business Centre, Bakewell at 10.30pm**

#### **PRESENT**

Councillor Jean Monks - In the Chair

Councillors Steve Flitter and Mike Ratcliffe. Councillor Tony Millward was in attendance as a substitute member, if required.

Eileen Tierney (Licensing and Administration Manager), Brett Wilson (Barrister) and Christine Laver (Democratic Services Team Leader)

John Gaunt – applicant's representative

Jim Harrison – CEO Thornbridge Brewery

Simon Webster – Chief Operating Officer, Thornbridge Brewery

Colin Bateman – Lumford and Holme Lane Residents' Association

Jon Duckham – representing D Baldry

FH Kirton

Mrs M Hills

Mr Geoffrey Hayes

Mr M Harrison

12 members of the public

#### **359/14 – MINUTES**

It was moved by Councillor Steve Flitter, seconded by Councillor Mike Ratcliffe and

#### **RESOLVED**

(Unanimously)

That Councillor Mrs Jean Monks be elected as Chairman of the Sub-Committee

#### **360/14 – LICENSING ACT 2003: APPLICATION FOR A PREMISES VARIATION OF PREMISES LICENCE FOR THORNBRIDGE BREWERY, BREWERY OFFICE UNITS, RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL**

The Sub-Committee considered an application for variation of a premises licence.

The Chairman invited the participants to introduce themselves, asked whether any party

wished the Committee to consider the application in private and confirmed that the Committee was quorate.

The Licensing Officer gave an outline of the application.

Those who wished to make representations and had given notice within the required time of their intention to do so, were invited to state their case. The Committee heard oral evidence against the application from:

Colin Bateman – Lumford and Holme Lane Residents' Association – also representing Mrs M Mosley, Mrs Dunn, Mrs J Thorpe and J Boulsover  
Jon Duckham – representing D Baldry  
FH Kirton  
Mrs M Hills  
Mr Geoffrey Hayes  
Mr M Harrison

John Gaunt, representing the applicant, spoke in support of the application and called Jim Harrison to give evidence in support of the application.

The Committee had an opportunity to question all parties. All parties were invited to seek clarification of points that had not been sufficiently explained.

### **361/14 – DECISION**

The Sub-Committee resumed in public session.

It was moved by Councillor Steve Flitter, seconded by Councillor Mike Ratcliffe and

**RESOLVED**  
(Unanimously)

That, having listened to what has been said and having read the various letters and reports that have been submitted, we were asked to determine an application by Thornbridge Brewery to vary its premises licence to:

1. Extend the licensed area to cover the whole of the brewery;
2. Extend the licensable activities to be permitted from 8am to 11pm; and
3. To delete conditions (1)(b) and (c) and replace them with a single condition of:

“The premises operate as a brewery and any sales of alcohol will be ancillary to that primary function”.

We are of the view that extending the Licence to allow the sale of alcohol until 11pm on Mondays to Saturdays and until 10pm on Sundays does not prevent the promotion of the licensing objectives.

There have been no complaints to the Brewery about the existing operation, and issues that have been raised about the road, the gate and noise are matters that will continue to exist outside the scope of the licensable activities.

Extending the hours and allowing the sale of alcohol from other areas within the brewery should not, in our judgement, exacerbate

these issues.

People who are affected by the applicant's activities have the ability to seek redress via the courts or through statutory bodies, including a Review of the Licence.

Therefore, we grant the application to vary the applicant's present licence to:

1. Extend the licensed area to cover the whole of the INTERNAL brewery premises in accordance with the plans provided for the licensable activities of sale by retail of alcohol and recorded music;
2. The licensable activities to be permitted for the hours of 0800 to 2300 Monday to Saturday and 0800 to 2200 on Sunday.
3. To conditions (1)(b) and (c) shall be deleted and replaced them with new condition (1)(b) as follows:

"The premises operate as a brewery and any sales of alcohol will be ancillary to that primary function", and

4. When music is being played at the Brewery windows and doors of the Brewery shall remain closed.

Full Decision Notice is attached below.

Meeting Closed 12.45pm

## LICENSING & APPEALS COMMITTEE DECISION

(Licensing Act 2003)

### Record of proceedings of Derbyshire Dales District Council's Licensing & Appeals Sub-Committee held on Thursday 30 April 2015

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Full name of Applicant: **Thornbridge Brewery**

**Premises Address** Brewery Office Units, Riverside Business Park, Buxton Road, Bakewell ("the Premises")

**Reason for attendance at the Sub Committee:** To determine an application for variation of a Premises Licence

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#### CONSTITUTION OF COMMITTEE

Councillor Jean Monks (Chair)

Councillor Steve Flitter

Councillor Mike Ratcliffe

Councillor Tony Millward (Substitute Member – not used)

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#### APPLICANT

Thornbridge Brewery – Represented by John Gaunt (present)

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#### NAMES OF OTHERS PRESENT (WRITE "NONE" WHERE APPROPRIATE)

Brett Wilson – Barrister

Eileen Tierney – Licensing Manager

Christine Laver – Democratic Services Team Leader

#### APPLICANT'S WITNESSES

Mr Jim Harrison – CEO Thornbridge Brewery

Mr Simon Webster – Chief Operating Officer Thornbridge Brewery

#### OBJECTORS

Colin Bateman – Lumford and Holme Lane Residents' Association – also representing Mrs M. Mosley, Mrs Dunn, Mrs J Thorpe and J Boulsover

Jon Duckham – representing D Baldry

FH Kirton

Mrs M Hills

Mr Geoffrey Hayes

Mr M Harrison

#### OTHERS

Twelve members of the public

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

The Subcommittee 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.

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**2. Chairpersons note of evidence (ie concise details of all oral and written details put before the Committee)**

Report of the Licensing Officer, including details of representations received

Personal representations by Colin Bateman – Lumford and Holme Lane Residents' Association – also representing Mrs M Mosley, Mrs Dunn, Mrs J Thorpe and J Boulsover  
Jon Duckham – representing D Baldry, FH Kirton, Mrs M Hills, Mr Geoffrey Hayes, Mr M Harrison

Personal evidence given by the applicant, his representative and witness

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

- The Sub Committee noted the additional evidence submitted by the applicant, comprising a letter sent by the Brewery to all objectors; a schedule of planned events, a document giving some background to the application and two letters stating that objections were withdrawn by Peter Stubbs and JH Dunn.
  - The Sub Committee also noted the photographs of the private road approach to the Brewery, provided by Mr Bateman and accepted as evidence by the applicant.
  - The Sub Committee also received clarification that the leaflet referred to in the letter circulated to objectors had not been produced by the District Council
  - The Sub Committee noted that one complaint about noise from the brewery had been made to Environmental Health and this was being monitored
  - The Sub Committee noted that local residents were concerned about the potential for exacerbation of existing access problems and about noise nuisance emanating from the Premises and from customers leaving in the late evening
  - The Sub Committee noted the applicant's agreement to reduce the terminal hour applied for from 0000 to 2300 on Monday to Friday and 2200 on Sunday.
  - The Sub-Committee noted the proposals to limit the noise nuisance by keeping doors and windows closed
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#### 4. Full text of unanimous decision

That, having listened to what has been said and having read the various letters and reports that have been submitted, we were asked to determine an application by Thornbridge Brewery to vary its premises licence to

1. Extend the licensed area to cover the whole of the brewery;
2. Extend the licensable activities to be permitted from 8am to 11pm; and
3. To delete conditions (1)(b) and (c) and replace them with a single condition of

“The premises operate as a brewery and any sales of alcohol will be ancillary to that primary function”.

We are of the view that extending the Licence to allow the sale of alcohol until 11pm on Mondays to Saturdays and until 10pm on Sundays does not prevent the promotion of the licensing objectives.

There have been no complaints to the Brewery about the existing operation, and issues that have been raised about the road, the gate and noise are matters that will continue to exist outside the scope of the licensable activities.

Extending the hours and allowing the sale of alcohol from other areas within the brewery should not, in our judgement, exacerbate these issues.

People who are affected by the applicant's activities have the ability to seek redress via the courts or through statutory bodies, including a Review of the Licence.

Therefore, we grant the application to vary the applicant's present licence to

1. Extend the licensed area to cover the whole of the INTERNAL brewery premises in accordance with the plans provided for the licensable activities of sale by retail of alcohol and recorded music;
2. The licensable activities to be permitted for the hours of 0800 to 2300 Monday to Saturday and 0800 to 2200 on Sunday.
3. To conditions (1)(b) and (c) shall be deleted and replaced them with new condition (1)(b) as follows:

“The premises operate as a brewery and any sales of alcohol will be ancillary to that primary function”, and

4. When music is being played at the Brewery windows and doors of the Brewery shall remain closed.

#### Conditions to be attached to the licence

As attached to current licence subject to the deletion of conditions (1)(b) and (c) and the substitution of a new condition (1)(b) as described above.

#### Reasons for the decision:

- The Sub-committee noted the concerns raised by the objectors in relation to potential noise nuisance emanating from the Premises and the concerns regarding the access issues, however, the Sub-Committee felt that the applicant had put forward measures to limit the likelihood of these concerns being realised and accepted that the minimal extension of the hours was unlikely to have an impact on the current situation
- The Sub-Committee The Sub-Committee accepted the applicant's proposal for a contact number to be provided to local residents to raise any complaints

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Date 30/4/15

Members signature:

*Jan Marks*

## **APPEALS TO THE MAGISTRATES' COURTS**

Many of the enforcement actions and decisions made by Derbyshire Dales District Council carry the right of appeal to the Magistrates' Court. This means that if you do not agree with the decision that the District Council has made you may contact the Magistrates' Court and ask them to formally review it. For example, anyone served with a formal enforcement notice has the right to appeal against that notice within 21 days of its service.

### **How do I make an appeal?**

The right to appeal is normally set out on the reverse of the notice or in a letter that accompanies it.

If you want to appeal against the decision of the Sub-Committee you should contact:-

- Southern Derbyshire Magistrates' Court, St Mary's Gate, Derby DE1 3JR, Tel: 01332 362000

### **Where can I get help?**

If you think you need help we would recommend that you speak to a solicitor who would be able to assist you with the Court processes.

The District Council is not able to recommend any particular firm of solicitors but would suggest you check in Yellow Pages or a local services directory.