

Western Area Licensing Sub Committee

Draft Minutes of the Western Area Licensing Sub Committee Meeting Held on 16 April 2013 at Civic Centre, St Stephens Place, Trowbridge, BA14 8AHH in Respect of a New Premises Licence - 3 DAGGERS BREWERY BAR, EDINGTON FARM SHOP, EDINGTON, BA13 4PGPG

Present:

Cllr Ernie Clark, Cllr George Jeans and Cllr Pip Ridout

Officers:

Samuel Bath (Democratic Services Officer)

Maggie Jones (Licensing Officer)

Paul Taylor (Legal Officer)

Also Present:

Mr Dodds

Mr Paterson

Ms Klonowski

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Ernie Clark as Chairman for this meeting only.

2 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

3 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

The Chairman announced that Councillor Ernie Clark had substituted for Councillor Rod Eaton.

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

Application by Adrian Jenkins for a Premises Licence at Three Daggers Micro Brewery and Farm Shop, Edington.

The Chairman began by inviting the Licensing Officer to outline the report and state the details of the application.

The Licensing Officer introduced the report, providing an overview of the premises to which it related and the key issues for consideration.

In accordance with the procedure, the Applicant was then given the opportunity to address the Committee. The applicant was represented by Mr Patterson from Wansbroughs solicitors, who spoke on behalf of Mr Jenkins. The applicant presented a site plan to the committee which outlined the arrangement of the building.

The applicant made reference to the Paulet Arms pub which is located at the same site as the farm shop, and outlined the existing terms of that license. The applicant gave an overview of his license holding history, and discussed the employment arrangements at the farm shop and pub. This was followed by a summary of training provided to staff that ensures compliance with the existing pub license.

The applicant then addressed the conditions of the Paulet Arms licence and proposed to the committee that these conditions be included in the current application.

The applicant discussed the physical structure of the building and reviewed the inside layout, highlighting that the structure was fully compliant with building regulations. The applicant then provided an overview of delivery times and traffic flow to the site, and the low level lighting conditions of the site at night.

Finally the applicant stated the intended usage of the property, to be used as a farm shop selling high quality bespoke products, tours of the micro brewery, and functions in the adjoining space of the brewery.

Key points raised by Neil Patterson on behalf of the Applicant were:

- The applicant has been a licensed trader since 2002, with licenses in Devon, Dorset and Bath.
- The applicant is a responsible licensee, evidenced in the compliance with the existing Paulet Arms license.

- The building is fit for purpose, and fully compliant with building regulations.
- Traffic control measures have been introduced in the surrounding area to reduce the risk of traffic collisions involving vehicles entering and leaving the site.
- Careful consideration has gone into the layout of the building and car parking to limit the intrusion to nearby residents with regard to light and noise pollution.

An opportunity was then given to the responsible authorities and persons who have made a relevant representation to question the applicant.

The Responsible Authorities had no questions to the Applicant.

Mr Dodds who had made a representation then asked the Applicant the following:

- Did the application mean that the Farm Shop had the potential to host 6 events per week?

Yes, in theory the farm shop would have the capacity to host 6 events per week, but the intention was to allow for flexibility in hosting fewer events.

Ms Klonowski who had also made a representation then asked the following:

- If there was no intention to use the dates as specified, then why apply for them?

If the license was not granted or had not been applied for, the shop would have to rely on temporary event notices. In addition to the cost and time involved, there are only a finite number of TEN that can be granted. Therefore it would be counterproductive and restrictive to operate in such a way.

The Committee then asked the following questions to the applicant:

- How often do you intend on having a live music event at the site?

If granted we would expect to host fewer events than the adjacent pub. Perhaps once a month.

- How many people do you expect will form the capacity of a brewery tour, and how often do you expect you will host them?

We would look to hold private tours, and have had some interest from local groups. Also we would look to attract some business during village events such as the summer fair. It is expected that group tours will be no bigger than 25 people.

- Would restricting tours to 25 people be something you would consider having on the license?

Probably not, no.

- Is there a history of antisocial behaviour at the pub?

No.

- Do you plan to hold any live music outside?

No, all music events will be held inside the building.

- The Paulet Arms license references 'special events'. What do you consider a special event would constitute for this application?

It is considered that any event after 20:00 within the farm shop would constitute a special event.

The persons who had made a representation then made a number of comments with regard the application. These were:

- Mr Dodds – stated he did not have any opposition to the farm shop or to its owner, but that the representation was made against the unnecessary additional opening hours after 8pm.
- It was stated that event traffic was in fact different to general pub visitor traffic, as large groups of visitors would ultimately lead to more cars arriving and leaving together. This could cause light and noise nuisance due to the proximity of the farm shop to Mr Dodds' house.
- It was stated that it was unnecessary for the shop to be open until 11 when the pub would be open next door.
- Mr Dodds had conducted a survey of breweries in the region and had found that 95% of shops closed by 8pm.
- Objections were therefore made against late night events at the shop, parking for staff, as land adjacent to Mr Dodds house had been used for parking during construction of the shop when there were no available parking spaces for staff.
- Ms Klonowski – Objections were to the opening hours of the farm shop, and to the timings of licensable activities within, but not against the shop itself, the brewery or the applicant.

- Objection to the timings on the application as a successful business plan could lead to an increase in events at the farm shop.
- Raised concerns around the parking arrangements when the site is at capacity.
- Requested the committee to consider the impact on 20:00 – 23:00 and the potential for growth in this bracket.

The applicant then was able to question those persons who had made a relevant representation. The following questions were asked.

- Do you know how many spaces there are in the car park?

No. It is not my site so I would not know. Perhaps 17?

There are actually 24 spaces.

- Do you know of any functions that have been booked?

No. It is not my business.

- Are you aware of any parking restrictions on the road outside your house?

No, although I am not sure if there should be as the road was re-surfaced not long ago. I assume not.

- Are you aware that there are other breweries operating tours at night?

Yes, but they are located in retail/industrial parks, not next to residential properties.

There were no questions from the committee to individuals who had made a representation.

The persons who had made a representation had nothing further to add in their summing up.

The Applicant stated that no representation had been made by Environmental Health with regard to noise and light nuisance. It was stated that the applicant had considered advice from EH and Highways, after which both had approved the applications content. The applicant highlighted that there was no history of crime or disorder at the pub.

The Sub-Committee then retired to consider the application at 11:50.

The Hearing reconvened at 12:40 to hear the decision of the Committee.

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council made a statement declaring the material legal advice given in closed session.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

RESOLVED:

That the Application for a Premises Licence at 3 Daggars Farm Shop and Micro Brewery, Edington be GRANTED as detailed below.

Grant the application as per the conditions of the application as amended by the applicants' submission dated 17 March 2013.

And subject to the following conditions:

- **No bottles to be emptied from the premises into bottle bins between 2100 and 0900.**
- **Staff will be trained in the Licensing Act 2003, proof of age, responsible drinking, health & safety, food hygiene and fire regulations.**
- **The Designated Premises Supervisor will be an active member of the local pub watch scheme where one operates.**
- **During the hours of darkness, when operating, the external public areas and car park will be well lit.**
- **Risk assessments will be undertaken as part of the overall health & safety policy.**
- **For all events taking place after 20:00, staffing levels will be increased as necessary, and neighbours who may be affected by the event will be informed when such events are due to take place at the premises.**
- **When events take place past 20:00, a responsible person nominated by the licence holder or DPS will monitor noise levels from the premises. Action will be taken to reduce noise levels if necessary. A record of the action taken and by whom, will be recorded together with the time and date, in the premises noise log book.**
- **During regulated entertainment, all doors and windows to remain shut except for access and egress.**

- **Proof of age will be required from any person seeking to purchase or consume alcohol and who appears to be under the age of 21. This evidence shall be photographic, such as a passport or photographic driving licence, until other effective identification technology (for example, finger print or pupil recognition) is adopted by the licence holder**

RESOLVED:

That the Application for a Premises Licence at 3 Daggars Farm Shop and Micro Brewery, Edington be GRANTED as detailed below.

Grant the application as per the conditions of the application as amended by the applicants' submission dated 17 March 2013.

And subject to the following conditions:

- **No bottles to be emptied from the premises into bottle bins between 2100 and 0900.**
- **Staff will be trained in the Licensing Act 2003, proof of age, responsible drinking, health & safety, food hygiene and fire regulations.**
- **The Designated Premises Supervisor will be an active member of the local pub watch scheme where one operates.**
- **During the hours of darkness, when operating, the external public areas and car park will be well lit.**
- **Risk assessments will be undertaken as part of the overall health & safety policy.**
- **For all events taking place after 20:00, staffing levels will be increased as necessary, and neighbours who may be affected by the event will be informed when such events are due to take place at the premises.**
- **When events take place past 20:00, a responsible person nominated by the licence holder or DPS will monitor noise levels from the premises. Action will be taken to reduce noise levels if necessary. A record of the action taken and by whom, will be recorded together with the time and date, in the premises noise log book.**
- **During regulated entertainment, all doors and windows to remain shut except for access and egress.**
- **Proof of age will be required from any person seeking to purchase or consume alcohol and who appears to be under the age of 21. This evidence shall be photographic, such as a passport or photographic**

driving licence, until other effective identification technology (for example, finger print or pupil recognition) is adopted by the licence holder

Reasons:

The Sub Committee considered the written evidence presented in the agenda together with the oral evidence given at the hearing, noting in particular the concerns of the representations in respect of noise and light nuisance. The sub-committee also took into account the fact that the premises were immediately adjacent to a public house, which held a premises licence allowing licensable activities until 01.00.

In light of the submissions, the committee decided to grant the license application as amended by the applicants' submission dated 17 March 2013, with the additional conditions set out above.

These conditions are considered appropriate to meet the licensing objective of the prevention of nuisance.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

(Duration of meeting: 10:30 – 12:50)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115