

## **ITEM 6      Application for a Premises Licence – Coopers Barn, The Dene, Hurstbourne Tarrant, Andover SP11 0AG**

### **1      The application**

- 1.1      The application is by Mr Mark Betteridge trading as Betteridge's Brewing Company for a new premises for Coopers Barn, The Dene, Hurstbourne Tarrant, Andover SP11 0AG. The premises do not currently hold any form of licence under the terms of the Licensing Act 2003. The applicant has applied for a Premises Licence for the sale by retail of alcohol for consumption both on and off the premises from 1100 to 2300 hours Monday to Saturday and 1100 to 1400 hours Sunday. This application has attracted representations necessitating the application to be determined at a hearing. A copy of the application is attached as Annex 1 to this report.

### **2      Background**

- 2.1      The premises is a large cob barn roughly 50 feet by 22 feet in size located behind residential premises and currently used as a small microbrewery and a business. There is one floor with a mezzanine level not available to the public and an area in the barn for socialising which is discreet from the brewing area. The applicant intends to enhance the business by enabling brewery interest tours, beer tasting and appreciation, to provide off sales in bottles and to support the community with fund raising functions and the occasional social function.

### **3      Promotion of the Licensing Objectives**

- 3.1      The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:
- a) General – Sales of alcohol will be limited to those over 18 (ID required where in doubt). Attendance will normally be by invitation or by appointment. Excessive drinking will not be tolerated nor the purchase of alcohol by or for minors. Consideration for neighbours as regards noise levels on departure will be strictly enforced. Warning of the proximity to the road on departure will be briefed.
  - b) The prevention of crime and disorder – No crime or disorder is envisaged as numbers will be low, attendees will be by prior arrangement, invited, or people attending an organised event. This is a small microbrewery with the facility for beer tasting, a meal with beer, a brewery tour, on and off sales.
  - c) Public safety – No public safety issues are envisaged. Hurstbourne Tarrant is a quiet country village. The road is seen as the only real risk, and other than the prevention of excessive drinking, a warning will be given to all on the potential dangers on departure. There is a well maintained pavement outside the premises.

- d) The prevention of public nuisance – All persons attending will be warned and advised of the need to preserve the tranquil environment of the village, with particular reference to leaving the premises out of consideration for close neighbours.
- e) The protection of children from harm – No minors will be allowed to attend unless supervised by a parent prior to 2000 hours. After this time no minors will be allowed in the brewery.

The measures to promote the licensing objectives are of relevance when considering the representations received.

#### **4 Relevant Representations – Responsible Authorities**

- 4.1 **TVBC Housing and Environmental Health Service** – The Environmental Protection Team raises no objection to the application.
- 4.2 **Hampshire County Council Trading Standards Service** – The Trading Standards Service has no representations to make.
- 4.3 **Hampshire County Council Safeguarding Unit** – Does not have any conditions or representations for this application.
- 4.4 **TVBC Planning & Building Service** – Having examined the application the Service has no objection but has commented that planning permission would most likely be required as there is no history of a change of use having been applied for.
- 4.5 **Hampshire Fire and Rescue Service** – Having examined the resubmitted plans of the premises, the Fire and Rescue Service does not wish to make representations at this time.

#### **5 Relevant Representations – Other Persons**

- 5.1 J & E Risso-Gill – Objection to the application on the grounds that the licensing objectives of public safety and prevention of public nuisance will not be achieved. See Annex 2 to this report.
- 5.2 W & C Loden – Objection to the application on the grounds that the licensing objectives of public safety and prevention of public nuisance will not be achieved. The first part of the representation regarding the correct submission and advertising of the application can be disregarded as that query was resolved. See Annex 3 to this report.
- 5.3 J Smith – Objection to the application on the grounds that the licensing objectives of public safety and prevention of public nuisance will not be achieved. See Annex 4 to this report.
- 5.4 T & M Coates – Objection to the application on the grounds that the licensing objectives of public safety and prevention of public nuisance will not be achieved. See Annex 5 to this report.

- 5.5 N, R & B White – Objection to the application on the grounds that the licensing objective of public safety will not be achieved. See Annex 6 to this report.
- 5.6 Strutt & Parker LLP on behalf of Mr and Mrs Antelme – Objection to the application on the grounds that the licensing objectives of public safety and prevention of public nuisance will not be achieved. See Annex 7 to this report.
- 5.7 It should also be noted that 14 representations in support of the application were received from Rev D Keighley, S Hoare, R Baker, T Sharpe, A Ramsay, J Underwood, R Saunders, R Conder, S Williams, M Wright, T Hamnett, P Ponting, D Murdoch, and N Willis. See Annex 8 to this report.
- 5.8 A further representation in support of the application has been disregarded as it was received outside of the 28 day period for submission of representations.

## **6 Policy Considerations**

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (October 2014 edition) are relevant.

2.8-2.12 – Public safety

2.18-2.24 – Public nuisance

8.33-8.41 – Steps to promote the licensing objectives

9.1, 9.3, 9.30-9.44 – Determining applications

10.1-10.15 – Conditions (including hours of trading)

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 6.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

Section B Public Safety

Section C Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council’s website.

## **7 Observations**

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council’s own Statement of Licensing Policy.

7.2 The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the four licensing objectives:

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Premises Licence application reference PREM/15/ for Coopers Barn, Hurstbourne Tarrant, Andover.			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	8		
Author:	Michael White	Ext:	8013
File Ref:	PREM/15/0483		
Report to:	Licensing Sub-Committee	Date:	10 March 2015