

Application for a new Premises Licence – Haydown Farm, Wiremead Lane, East Cholderton, Andover SP11 8LR

1 The application

- 1.1 The application is by Breach Farm Brewing Limited for a Premises Licence in respect of premises at Haydown Farm, Wiremead Lane, East Cholderton, Andover SP11 8LR. The application as originally submitted seeks sale of alcohol for consumption both on and off the premises from Sunday to Wednesday 1100 to 2100 hours daily, Thursday/Friday/Saturday 1100 to 2300 hours daily, Bank Holidays, Burns Night and the 12 days prior to Christmas Day 1100 to 2300 hours, and New Year's Eve 1100 to 0030 hours.
- 1.2 The application has attracted representations objecting to the application which necessitates it being determined at a hearing. A copy of the application is attached as Annex 1 to this report. Following closure of the 28-day period for receipt of representations the applicants submitted further information revising aspects of their application which are set out in Annex 2 to this report.

2 Background

- 2.1 The premises comprise a farm building which is being repaired to house the brewery business. The building will have four sections used for dry storage, the brewhouse and fermentation tanks, cold storage and the tasting area and the fourth will offer additional seating and a small meeting space.

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. These comments are taken directly as entered in the application:
 - a) General – we recognise, and state our commitment as a business to upholding, the four licensing objectives: preventing crime and disorder; ensuring the safety of the public; the prevention of public nuisance; the protection of children from harm.

The three founding members of the business have training and experience in public facing roles within the brewing and retail sectors and hold Personal Licences themselves. All staff employed within the business will be provided with appropriate training and mentoring in the promotion of the four licensing objectives.

The locally brewed craft beer on sale for consumption on the premises will be offered primarily in a range of small measures of 1/3rd, ½, and 2/3rd pints, with a strong emphasis on the “tasting” aspect. We will discourage binge drinking.

The whole ethos of the establishment will be the encouragement of responsible drinking and the appreciation of a quality hand crafted product and the subtle differences that can distinguish various beers

We will aim to attract and encourage customers who share our views on the social benefits of responsible beer drinking in a safe relaxed and friendly environment. We will not encourage irresponsible or excessive consumption. We will not serve anyone who is drunk or appears to be drunk.

We will actively avoid serving alcohol to underage children.

A challenge 25 policy will be in force, where any person looking under the age of 25 will be asked to prove their age when attempting to purchase alcohol. Challenge 25 posters will be displayed

An incident/refusal log will be kept at the premises and be available for inspection on request by an appropriate officer of the council or a police officer. This log will record the following: a) All crimes reported at the venue b) Any complaints received c) Any faults in the CCTV system d) Any refusal of the sale of alcohol e) any visit by a relevant authority.

- b) The prevention of crime and disorder – we will have a zero-tolerance policy with regard to drugs. We will discourage drink driving. Whilst the venue will have car parking available, it will also have facilities for the storage of bicycles. The venue is located well off the highway and is easily accessible by a network of public rights of way from the nearby villages of Amport, Monxton and East Cholderton, so we will encourage customers to walk to the premises.

We will not serve alcohol to anyone who is drunk or appears to be drunk. We will keep a record of any incidents where we have to refuse to serve someone.

We will train and mentor all staff to be alert for these dangers, and have procedures in place to deal with them

All goods subject to duty payments i.e., alcohol, if not produced on site, will be purchased from bona fide suppliers only, and detailed invoices will be available upon request. No alcoholic drinks or tobacco will be purchased from unannounced sellers calling at the premises.

CCTV cameras and recorders will be installed at the premises, and these will be: of a standard acceptable to and approved by the police; the system will be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises; at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises; a suitably trained staff member will be able to provide police or council licensing officers recent CCTV footage with minimum delay when requested.

An incident/refusal log will be kept at the premises and be available for inspection on request by council licensing officers or the police. This log will record the following: a) all crimes reported at the venue b) any complaints received c) any faults in the CCTV system d) any refusal of the sale of alcohol e) any visit by a relevant authority.

- c) Public safety – we wish to be a venue where customers can relax and be safe, and where we can avoid anyone hurting themselves. We want staff to feel and be safe too.
 - 1. Installation of appropriate safety equipment
 - 2. Fire exit signs displayed
 - 3. To comply with all current fire, health and safety laws
 - 4. CCTV working at all times.
- d) The prevention of public nuisance – the project to establish a craft brewery at Haydown Farm has received a substantial amount of support from local residents.

The whole ethos of the establishment will be the encouragement of responsible drinking in a safe, relaxed, friendly, and respectful environment. That respect extends to ensuring that we do not cause nuisance to the public. Customers will be asked to leave quietly and not to disturb the local neighbourhood.

The venue is located well off the highway, with no residential properties nearby except Haydown Farmhouse itself. We will encourage customers to walk or cycle to the premises where possible via the network of public rights of way from the nearby villages of Ampport, Monxton and East Cholderton to minimise vehicular traffic.

The venue will be open for very restricted hours. As a small operation we will not initially have sufficient resources, or desire, to be open more than 3, 4 or 5 days a week. Whilst we have specified an operating schedule for all seven days of the week, as a small enterprise we will not initially have sufficient resources, or desire, to be open more than 4 or 5 days a week. But we need the flexibility of a 7 day schedule to enable us to experiment with different days / times so we can identify the best operating schedule for the business and our customers in the early stages and develop the business.

- e) The protection of children from harm – we will actively avoid serving alcohol to underage children. A challenge 25 policy will be in force, where any person looking under the age of 25 will be asked to prove their age when attempting to purchase alcohol. Challenge 25 posters will be displayed. All staff employed within the business will be trained and mentored to be alert to the dangers for children, and the prevention of underage drinking.

The measures to promote the licensing objectives are of relevance when considering the representations received. As mentioned in paragraph 1.2 above the applicants have subsequently submitted revised information and this includes revisions to some of the above comments. These are set out in Annex 3 to the report.

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire Fire and Rescue Service** – does not wish to make any representations.
- 4.2 **TVBC Housing and Environmental Health** – the Environmental Protection Team has no representations to make.
- 4.3 **TVBC Planning and Building Service** – has no objections or concerns about this application. The Service has had previous correspondence with the applicant regarding whether planning permission would be required, however it would be considered Permitted Development under Class R, Part 3, Schedule 2 of the General Permitted Development Order.

5 Relevant Representations – Other Persons

- 5.1 A total of 40 representations were originally received from other persons objecting to the application. Four of these objections were withdrawn following the submission of the additional information from the applicants leaving a total of 36 objections which appear in Annex 4 to this report. It should be noted that several objections refer to the impact upon wildlife and animals. These comments should be disregarded as public nuisance is an act that is illegal because it interferes with the rights of the public generally; as local wildlife cannot be classed as the public any comments relating to the impact on flora and fauna are not relevant and should not be considered.
- 5.2 In addition, 29 representations were received in support of the application and these appear in Annex 5 to this report. It should be noted that a number of the supporting representations are from persons that do not live within the local area. Whilst this does not invalidate them, the Sub-Committee will need to consider how much weight it should attached to such representations.

6 Policy Considerations

- 6.1 The representations raise concerns relating to aspects of all four licensing objectives although the primary concern is in respect of the objective of public safety. It is therefore considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (April 2018 edition) are relevant.

2.1-2.6 – Crime and disorder

2.7-2.9 – Public safety

2.15-2.21 – Public nuisance

8.41-8.49 – Steps to promote the licensing objectives

9.1, 9.3, 9.11-9.12, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.15, 10.61-10.66 – Conditions

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 A: Prevention of Crime and Disorder

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. 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 (for example by allowing only 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

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for Haydown Farm, Wiremead Lane, East Cholderton, Andover

Confidentiality

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:	5		
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