

## LICENSING SUB-COMMITTEE

Meeting: Thursday, 8th September, 2022  
at 12.30 pm. (Banqueting Hall)

Present: Councillors Callister (Chairman), Biggins and Gawne.

Officers Present: Katherine Benson (Senior Licensing Officer), Geoff Dowker (Environmental Protection & Public Health Team Leader) and Sandra Kemsley (Democratic Services Officer).

Legal Representative: Paul O'Donnell (Local Authority Retained Solicitor)

### **5 Apologies for Absence/Attendance of Substitute Members.**

Apologies for absence had been submitted from Councillors Hall and McEwan.

Councillors Biggins and Gawne had attended as substitutes.

### **6 Application for a Premises Licence - Brittons Meadery, 50 Pine Road, Barrow in Furness**

The Senior Licensing Officer's report set out details of an application for a Premises Licence under section 17(1) of the Licensing Act 2003 for Brittons Meadery, 50 Pine Road, Barrow in Furness, Cumbria. The applicants were Paul and Laura Britton.

The application had been subject to nine valid representations. Six of the representations were objecting to the application, therefore a hearing was required.

The applicant and parties making the representations had been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 "the Regulations". Information to accompany the notice of hearing had been provided to the applicant and the parties making representations in accordance with "the Regulations".

The supply of alcohol, provision of regulated entertainment and provision of late night refreshment were licensable activities under Section 1 of the Licensing Act 2003. Authorisation from the Council, in its role as the Licensing Authority, was required in order to carry on any of these activities at premises within the Borough.

The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:-

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

Each objective was of equal importance. There were no other statutory licensing objectives, so the promotion of the four objectives was a paramount consideration at all times.

Under the Scheme of delegation adopted by the Council, the Licensing Sub-Committee has responsibility for the exercise of many of the functions of the Licensing Authority, including the determination of Premises Licence applications where representations had been received.

On 18th July, 2022 under s.17(1) of the Act, an application had been made to the Licensing Authority by Paul and Laura Britton, in relation to premises Brittons Meadery, 50 Pine Road, Barrow in Furness, Cumbria for a premises licence, with an intended start date of 1st January, 2023. The premises is a residential dwelling.

The application sought authorisation for the following:

Supply of Alcohol (off the premises)	Monday – Sunday 11:00 - 23:00
Opening Hours of the Premises	Monday – Sunday 11:00 – 23:00

In accordance with the Act the applicant had advertised the application by placing a notice on the premises for a 28 day period and a notice had been published in the local newspaper, within 10 days of the application being submitted. There was no requirement for the applicant to directly notify neighbouring properties.

The 28 day consultation period ran from 19th July, 2022 to 15th August, 2022. The Council had consulted with the following Responsible Authorities:-

- Licensing Authority (Barrow Borough Council\*);
- The Local Planning Authority;
- Environmental Protection Team;
- Chief Officer of Police;
- Health and Safety Officer;
- Divisional Officer, Cumbria Fire and Rescue;
- Trading Standards;
- Public Health;
- Safeguarding and Review, Child Protection; and
- Home Office Immigration Enforcement (The Immigration Act 2016 made the Secretary of State a responsible Authority in respect of premises licensed to sell alcohol)

\*A Licensing Authority must carry out its function under the act with a view to promoting the licensing objectives and its licensing statement (s.4).

A copy of the full application, including the operating schedule, plan of premises and form of consent as well as details of the steps they intended to take to meet the four licensing objectives had been included as an appendix to the report.

Section 18(3) of the Act states that where relevant representations were made, the Authority must hold a hearing to consider them.

There had been nine valid representations. Six of these objections were objecting to the application.

Objections received raised concerns over the applicant's ability to promote the licensing objectives:

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

Copies of the objections had been summarised in the report and produced in full as an appendix.

On 19th July 2022 Planning had stated that the test for a change of use would depend on the impact upon the character and amenity of the area, and should the scale of the business become excessive formal planning enforcement action may be taken.

On 20th July 2022 Environmental Protection confirmed they had no concerns and would not be commenting further.

On 8th August 2022 Cumbria Fire and Rescue had confirmed that they would not be making any representation regarding the application. This had been subject to the premises having a suitable and sufficient fire safety risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005.

There had been no other representations from Responsible Authorities, including the Police.

The applicants attended the meeting and addressed questions and representations raised by Members of the Sub-Committee.

The applicants circulated photographs showing the brewing equipment and the amount of mead they would be producing in each batch. The volume of proposed operations was very small and in keeping with a Nano brewery; it was their intention to brew 120 bottles in one batch that would take 2 weeks to make and roughly 6 months to sell.

The Environmental Protection & Public Health Team Leader attended the meeting and addressed questions raised by Members of the Sub-Committee.

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations) 2005 (as amended) it was moved by Councillor Callister and duly seconded to move into Part Two to enable a decision to be made as it was felt that holding discussions in public would, or would be likely to, inhibit substantially, the free and frank exchange of views for the purposes of deliberation. Private thinking space was essential to enable all facts, policies and legislation to be properly considered and appropriate legal advice obtained.

**All parties with the exception of Councillors Biggins, Callister and McEwan, Paul O'Donnell (Legal Representative) and Sandra Kemsley (Democratic Services Officer) withdrew and were readmitted to the meeting following the Sub-Committee's deliberations.**

The Sub-Committee had considered, in detail, all relevant information provided.

The Sub-Committee had also considered all matters raised by those objecting to the application. Attention had been paid to their representations with respect to the licensing objectives.

In making its decision the Sub-Committee had regard to the Statement of Licensing Policy, statutory guidance and the licensing objectives.

RESOLVED:- To unanimously agree to grant the application for Brittons Meadery, 50 Pine Road, Barrow-in-Furness for the supply of alcohol (off the premises) Monday – Sunday 11:00 - 23:00 and Opening Hours of the Premises Monday – Sunday 11:00 - 23:00, with modifications to the conditions and/or licensable hours as follows:-

***Licence conditions***

***General***

- *Alcohol will be sold via delivery only. No members of the public are permitted to attend the premises to purchase or collect alcohol.*
- *The only alcoholic product to be sold is mead.*

***Prevention of crime and disorder***

*The premises licence holder and DPS must:*

- *Ascertain the purchasers age/date of birth at the point of sale/point of delivery*
- *Keep records of all orders, which must include:*
  - *The name, address and date of birth of the customer;*
  - *Place the alcohol is to be delivered to;*
  - *Whether it's a business or residential address.*
- *Alcohol must only be delivered to a residential or business address (i.e. not an open space, park etc).*
- *A register must be maintained detailing any refusals i.e. where the purchaser has been unable to produce ID, or is drunk/under the influence of drugs.*

***Protection of children from harm***

- *At the point of sale, the premises must confirm that the purchaser is aged over 18. Upon delivery, any person who appears to be under the age of 25 years must produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the home office, a photo driving licence, a passport or official HM forces or EU ID card bearing photo and date of birth.*
- *The sale will be declined if the purchaser is unable to produce valid ID.*

The full details of the decision would be confirmed to the parties to the hearing within 5 days.

**Thursday, 8th September, 2022**

Parties have a right to appeal against the decision of the Sub-Committee and may do so by giving notice of appeal to the Magistrates Court for the area in which the premises concerned are situated within a period 21 days beginning with the day on which they were notified of the decision by the Licensing Authority.

The meeting closed at 1.08 pm.

This page is intentionally left blank

**LICENSING SUB-COMMITTEE****RECORD OF DECISION**

**Date of Meeting: 9th September 2022**

**Agenda Item: 6 – Application for a New Premises Licence –  
Brittons Meadery, 50 Pine Road, Barrow in Furness**

- On 18th July 2022 under s.17(1) of the Licensing Act 2003 (“the Act”), an application had been made to the Licensing Authority in relation to premises known as Brittons Meadery, 50 Pine Road, Barrow-in-Furness for a Premises Licence, with an intended start date of 1st January 2023. The premises is a residential dwelling.
- The application had been made by Paul and Laura Britton to grant them permission to brew and sell mead from their home address.
- The application before the Sub-Committee sought authorisation for the following:
  - Supply of Alcohol (off the premises) Monday – Sunday 11:00 - 23:00
  - Opening Hours of the premises Monday – Sunday 11:00 - 23:00
- The application had been the subject of nine valid representations. Six of these objections were objecting to the application, therefore a hearing was required.
- The applicant and the parties making representations had been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005.
- The supply of alcohol, provision of regulated entertainment, and the provision of late night refreshment are licensable activity under the Act.
- Authorisation from the Council, in its role as the Licensing Authority, was required in order to carry on any of these activities at premises within the Borough.
- The Act provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- In accordance with the Act the applicant had advertised the application, by placing a notice on the premises for a 28 day period and the notice had been published in the local newspaper, within 10 working days of the application being submitted. There was no requirement for the applicant to directly notify neighbouring properties.

- The Council had consulted with the following Responsible Authorities:-
  - Licensing Authority (Barrow Borough Council\*);
  - The Local Planning Authority;
  - Environmental Protection Team;
  - Chief Officer of Police;
  - Health and Safety Officer;
  - Divisional Officer, Cumbria Fire and Rescue;
  - Trading Standards;
  - Public Health;
  - Safeguarding and Review, Child Protection; and
  - Home Office Immigration Enforcement (The Immigration Act 2016 made the Secretary of State a responsible Authority in respect of premises licensed to sell alcohol).

*\* A Licensing Authority must carry out its function under the act with a view to promoting the licensing objectives and its licensing statement (s.4).*

- A copy of the full application including the operating schedule, plan of premises and form of consent as well as details of the steps they intended to take to meet the four licensing objectives had been attached to the report.
- s.18(3) of the Act states that where relevant representations were made, the Authority must hold a hearing to consider them.
- There had been nine valid representations. Six of these objections were objecting to the application.
- Objections received raised concerns over the applicant's ability to promote the licensing objectives:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- Copies of the objections had been attached to the report.
- On 19th July 2022 Planning had stated that the test for a change of use would depend on the impact upon the character and amenity of the area, and should the scale of the business become excessive formal planning enforcement action may be taken.
- On 20th July 2022 Environmental Protection confirmed they had no concerns and would not be commenting further.
- On 8th August 2022 Cumbria Fire and Rescue had confirmed that they would not be making any representation regarding the application. This had been subject to

the premises having a suitable and sufficient fire safety risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005.

- There had been no other representations from Responsible Authorities.
- The applicants attended the meeting and addressed questions and representations raised by members of the Sub-Committee.
- The applicants circulated photographs showing the brewing equipment and the amount of mead they would be producing in each batch.

The Sub-Committee had considered, in detail, all relevant information provided.

The Sub-Committee had also considered all matters raised by those objecting to the application. Attention had been paid to their representations with respect to the licensing objectives.

In making its decision the Sub-Committee had regard to the Statement of Licensing Policy, statutory guidance and the licensing objectives.

### **Committee decision:**

To unanimously agree to grant the application for Brittons Meadery, 50 Pine Road, Barrow-in-Furness for the supply of alcohol (off the premises) Monday – Sunday 11:00 - 23:00 and Opening Hours of the Premises Monday – Sunday 11:00 - 23:00, with modifications to the conditions and/or licensable hours as follows:-

#### ***Licence conditions***

##### *General*

- *Alcohol will be sold via delivery only. No members of the public are permitted to attend the premises to purchase or collect alcohol.*
- *The only alcoholic product to be sold is mead.*

##### *Prevention of crime and disorder*

*The premises licence holder and DPS must:*

- *Ascertain the purchasers age/date of birth at the point of sale/point of delivery*
- *Keep records of all orders, which must include:*
  - *The name, address and date of birth of the customer;*
  - *Place the alcohol is to be delivered to;*
  - *Whether it's a business or residential address.*
- *Alcohol must only be delivered to a residential or business address (i.e. not an open space, park etc).*
- *A register must be maintained detailing any refusals i.e. where the purchaser has been unable to produce ID, or is drunk/under the influence of drugs.*

Protection of children from harm

- *At the point of sale, the premises must confirm that the purchaser is aged over 18. Upon delivery, any person who appears to be under the age of 25 years must produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the home office, a photo driving licence, a passport or official HM forces or EU ID card bearing photo and date of birth.*
- *The sale will be declined if the purchaser is unable to produce valid ID.*

**Reasons for decision:**

- a) No representations had been received from any of the Responsible Authorities, including the Police raising any concerns about the application;
- b) The Sub-Committee were of the view that the application of the aforementioned conditions to the licence would address the concerns of neighbours and ensure operations did not undermine the licensing objectives.
- c) The volume of proposed operations was very small and in keeping with a nano brewery (the applicant had stated an intention to brew 120 bottles in one batch that would take 2 weeks to make and roughly 6 months to sell).

**Reasons for not adopting other available options:**

Reasons for decision outweighed adopting any other option.

Parties have a right to appeal against the decision of the Sub-Committee and may do so by giving notice of appeal to the Magistrates Court for the area in which the premises concerned are situated within a period of 21 days beginning with the day on which they were notified of the decision by the Licensing Authority.

Date: 12th September, 2022