

Meeting	Licensing Hearing
Date	12 December 2016
Present	Councillors Aspden (Substitute for Councillor Crisp), Gillies (Substitute for Councillor Douglas) and Richardson
Apologies	Councillors Crisp and Douglas

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**20. Chair**

Resolved: That Councillor Gillies be elected to Chair the meeting.

**21. Introductions****22. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests.

Councillor Gillies declared a personal, non-prejudicial interest in that, during his time as Lord Mayor, amongst many other attendances at events in that capacity, he had been present at the launch of one of the brewery's products at the Copmanthorpe Beer Festival.

**23. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 28 November 2016 be approved as a correct record and then signed by the Chair.

**24. The Determination of an Application by Ainsty Ales Ltd for a Premises Licence Section 18 (3) (a) in respect of Ainsty Ales Brewery, Manor Farm, Intake Lane, Acaster Malbis, YO23 2PL (CYC-056879)**

Members considered an application by Ainsty Ales Ltd for a Premises Licence Section 18 (3) (a) in respect of Ainsty Ales Brewery, Manor Farm, Intake Lane, Acster Malbis, YO23 2PL.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective in particular was relevant to this Hearing:

- The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all of the evidence and submissions that were presented, and determined their relevance to the issues raised and the licensing objectives, including:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and her comments made at the Hearing. She stated that the premises were not in the special policy area, there had been no objections from public protection or any other responsible authorities and consultation had been carried out in accordance with the Licensing Act 2003. The planning department considered the use for Brewery Tours, limited off sales and a small tap room to be incidental to the main use of the premises and therefore planning permission for a change of use was not required. However, should the nature of the use expand beyond this then planning permission may be required for a material change of use. The police did not object provided that additional conditions were imposed (Annex 2), which the Applicant had agreed to.
3. The Applicant's representations at the Hearing. He stated that the main purpose of this application was to enable the brewery to provide off - sales of their product, allowing them to more effectively promote their business. They hoped to offer 15 - 20 minute brewery tours with bottles/kegs available to take away at the end. The second part of the application was for a small tap room. This would be staffed by current employees and would therefore only operate during the hours 16:00-18:00 on a Thursday and Friday. The Applicant clarified that as this was a small, quiet village they did not expect a large amount of footfall. Rather, they saw this as a chance to offer a service to the village, where people could come for

a couple of hours in the evening. The application to open until 22:00 was to cover what they hoped would be an annual beer festival, which it was felt would be a community gathering the village would come on board with. There would be nothing taking place outside of the building to cause noise issues for surrounding properties. When music/entertainment was on the doors and windows would be kept closed.

4. Written representations made during the consultation period and the extra information submitted by Mr D. Smith ahead of the Hearing which highlighted the position of Mr Smith's residence in relation to the premises.

In respect of the proposed licence, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

**Option 1:** Grant the licence in the terms applied for and including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was **rejected** because the Sub-Committee decided that the existing conditions were insufficient and extra conditions were required to address the issues of public nuisance and the protection of children from harm as requested by the Police.

**Option 2:** Grant the licence with modified/additional conditions imposed by the licensing committee, including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This was the **approved** option in order to meet the Licensing Objectives and City of York Council Licensing Policy.

**Option 3:** Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003. This option was **rejected** as the Sub-Committee considered there no reason to exclude any of the licensable

activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

**Option 4:** Reject the application. This option was **rejected** as the Sub-Committee saw no reason to reject the application based on the Licensing Objectives and City of York Council Licensing Policy.

In coming to their decision of approving the above **Option 2**, the Sub-Committee then imposed the following additional conditions:

1. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
  - operation of the CCTV system (including the downloading of evidence)
  - retail sale of alcohol
  - age verification policy
  - conditions attached to the premises licence
  - permitted licensable activities
  - the licensing objectives
  - opening times for the venue

with such records being kept for a minimum of one year [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry].

2. An incident log will be kept at the premises and made available, on request, to an authorised officer or the police which will record the following:
  - any complaints received regarding crime and disorder
  - any incidents of disorder
  - any faults in the CCTV system
  - any refusal of sale of alcohol
  - any visit by a relevant authority of emergency service

3. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

#### Public Nuisance

4. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
5. Doors and windows should be kept closed during the playing of amplified music and other entertainment (save for entry and egress).

#### Protection of Children from Harm

6. The premises shall operate the Challenge 25 policy for the sale of alcohol.
7. The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo (until other effective identification technology, e.g. a thumb print or pupil recognition, is adopted by the Premises Licence Holder).

#### General

8. Any on-line sales will be either undertaken by a third party company or the Premises Licence Holder. The Premises Licence Holder will ensure that such third party company, or him/herself, will have a robust age verification policy in place to ensure no underage sales take place on line.
9. There shall be 30 (minimum) chairs/seats for customer use inside the premises at all times the venue is open to negate the need for vertical drinking.

All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions

## Reasons for the Decision

The Sub-Committee took into consideration that there had been no objection from public protection, or any other responsible authorities. The police had sought additional conditions, which the Applicant had already agreed to. The Sub-Committee were mindful of the written representations from local residents; however as public protection had no concerns over noise, they were satisfied that granting this licence would not impact on residential amenity or cause public nuisance. Furthermore, the Applicant had assured the Sub-Committee that events would be small and low-key and that the beer festival would be a yearly event predominantly for local residents. He also expressed his desire to integrate with the surrounding community and to offer events, such as a community cinema, which he felt would enhance the lives of those in the area.

Councillor Gillies, Chair

[The meeting started at 10.00 am and finished at 10.35 am].