

LICENSING SUB COMMITTEE

23 NOVEMBER 2021

APPLICATION FOR A PREMISES LICENCE

1.0 Purpose of Report

1.1 For Members to consider an application for a premise licence for Brook House Brewery, 12 Besthorpe Road, Collingham, NG23 7NP.

2.0 Introduction

2.1 The application for a new premises licence has been submitted by Brook House Brewery Ltd. and in summary the application seeks the following licensable activities and times. It should be noted that the proposed timings have been amended as agreed with Environmental Health. The amended hours that form part of the application that are now to be considered by the Sub Committee are shown below:

Licensable Activity	Days	Times
Plays (Indoors)	Monday to Sunday	14:00 to 23:00
Plays (Outdoors)	Monday to Sunday	14:00 to 20:00
Live Music (Indoors)	Monday to Friday	19:00 to 22:30
	Saturday to Sunday	14:00 to 18:00 19:00 to 22:30
	31 December	Until 24:00
Live Music (Outdoors)	Monday to Friday	19:00 to 20:00
	Saturday to Sunday	14:00 to 18:00 19:00 to 20:00
Recorded music (Indoors)	Monday to Sunday	12:00 to 23:00
Performance of Dance (Indoors)	Monday to Sunday	12:00 to 23:00
Performance of Dance (Outdoors)	Monday to Sunday	12:00 to 20:00
Supply of Alcohol (on/off sales)	Daily	09:00 to 23:00
	31 December	Until 24:00
Opening times	Daily	09:00 to 23:30
	1 January	Until 00:45

2.2 A copy of the full application can be found at **Appendix 1**.

3.0 The Application Premises

3.1 The premises subject to this application is Brook House Brewery, 12 Besthorpe Road, Collingham, NG23 7NP

3.2 A plan showing the site in context of its surroundings is attached as **Appendix 2** to this report.

4.0 Licensing History

4.1 The Brook House Brewery has not had a licence issued under the Licensing Act 2003. However, they have applied for Temporary Event Notices in order to hold events at the premise.

4.2 The premises have used Temporary Event Notices to operate since 2018.

4.3 Temporary Event Notices are temporary licences that cover the supply of alcohol and regulated entertainment. However, these are restricted in terms of criteria, for example,

- Each event may last no more than 168 hours (7 days) and there must be 24 hours between each event.
- No premises may be used more than 15 times per calendar year.
- No premises may be used for greater than 21 days per calendar year in total.

4.4 The following TEN's have be received in relation to Brook House Brewery:

TEN Reference	Date received	Date of Event	Licensable Activities and times
18/00646/TENLAT	21/06/2018	01/07/2018	Beer tasting 12:00 to 16:00
18/00704/TENLAT	05/07/2018	15/07/2018	Brewery open day 12:00 to 18:00
18/00834/TENLAT	10/08/2018	19/08/2018	Brewery open day 13:00 to 18:00
18/00875/TEN	21/08/2019	16/09/2018	Brewery open day 13:00 to 18:00
18/01066/TEN	12/10/2018	28/10/2018	Halloween party 13:00 to 19:00
19/00038/TEN	10/01/2019	27/01/2019	Brewery open day 13:00 to 19:00
19/00168/TEN	13/02/2019	24/02/2019	Brewery open day 12:00 to 19:00
19/00253/TEN	12/03/2019	30-31/03/2019	Brewery open weekend 12:00 to 19:00
19/00306/TEN	27/03/2019	17/04/2019	Theatre performance 18:00 to 22:00
19/00327/TEN	04/04/2019	28/04/2019	Morris dancing display 12:00 to 19:00
19/00445/TEN	03/05/2019	25-26/05/2019	Brewery open weekend 12:00 to 19:00
19/00604/TENLAT	13/06/2019	23/06/2019	Brewery open day 12:00 to 20:00
19/00630/TEN	24/06/2019	12/07/2019	Open bar? 17:00 to 22:30
19/00689/TEN	11/07/2019	27-28/07/2019	Open bar? 17:00 to 22:30
19/00769/TEN	12/08/2019	24-25/08/2019	Brewery open weekend 13:00 to 22:00
19/00921/TEN	13/09/2019	28-29/09/2019	Brewery open weekend 12:00 to 20:00
19/01021/TENLAT	14/10/2019	27/10/2019	Brewery open day 12:00 to 20:00
19/01163/TEN	18/11/2019	01/12/2019	Brewery open day 12:00 to 20:00
19/01236/TEN	09/12/2019	20/12/2019	Open evening 18:00 to 23:15
19/01237/TEN	09/12/2019	29/12/2019	Brewery open day 12:00 to 20:00
20/00001/TENLAT	03/01/2020	12/01/2020	Plough blessing and open day 12:00 to 20:00
20/00082/TENLAT	23/01/2020	02/02/2020	Brewery open day 12:00 to 20:00
20/00083/TEN	23/01/2020	07/02/2020	Live music performance with bar 18:00 to 23:00
20/00149/TEN	18/02/2020	01/03/2020	Brewery open day 12:00 to 20:00
20/00226/TEN	12/03/2020	29/03/2020	Plough blessing and open day 12:00 to 20:00
20/00420/TENLAT	17/07/2020	26/07/2020	Brewery open day 12:00 to 20:00
20/00456/TENLAT	17/08/2020	30/08/2020	Brewery open day 12:00 to 20:00
20/00558/TENLAT	18/09/2020	27/09/2020	Brewery open day 12:00 to 20:00
20/00639/TENLAT	23/10/2020	01/11/2020	Brewery open day 12:00 to 20:00
21/00287/TENLAT	16/04/2021	24-25/04/2021	Brewery open weekend 12:00 to 20:00

21/00300/TENLAT	23/04/2021	01-02/05/2021	Brewery open weekend 12:00 to 20:00
21/00359/TENLAT	20/05/2021	29-30/05/2021	Brewery open weekend 12:00 to 20:00
21/00386/TEN	04/06/2021	19-20/06/2021	Brewery open weekend 12:00 to 20:00
21/00446/TENLAT	02/07/2021	10/07/2021	Brewery open day 12:00 to 22:00
21/00482/TENLAT	16/07/2021	23-25/07/2021	Brewery open weekend 12:00 to 23:00
21/00583/TENLAT	20/08/2021	28-30/08/2021	Brewery open weekend 12:00 to 19:00
21/00608/TENLAT	02/09/2021	11/09/2021	Concert
21/00654/TENLAT	17/09/2021	26/09/2021	Brewery open day 12:00 to 19:00
21/00734/TEN	15/10/2021	31/10/2021	Brewery open day 12:00 to 21:00
21/00781/TENLAT	27/10/2021	05/11/2021	Theatre performance 18:00 to 23:00 – Refused - Counter Notice served as received objection from EH

5.0 Premise with Licensable Activities in the Surrounding Area

5.1 There are no comparable premises in the vicinity of Brook House Brewery. The nearest is approx. 0.5 miles by road and is The Royal Oak, 44 High Street, Collingham, NG23 7LB. A redacted copy of this licence is found at **Appendix 3**.

6.0 Reason for Hearing

6.1 Representations have been received from:

- Planning, Newark & Sherwood District Council
- Mr David Thomas, 171 Low Street, Collingham, NG23 7NL
- Mr & Mrs Orme, 8 Woodhill Road, Collingham, NG23 7NR
- Ms Bev Ford, 15 Rio Drive, Collingham, NG23 7NB
- Mr & Mrs Bolton, 19 Rio Drive, Collingham, NG23 7NB
- Collingham Parish Council, c/o 71 High Street, Collingham, NG23 7LB
- Mr & Mrs Dodds, 10 Rio Drive, Collingham, NG23 7NB
- Mr Adam & Dr Zara Pogson, Rio Drive, Collingham, NG23 7NB

A copy of their representations are attached as **Appendix 4**

6.2 In total, 8 relevant representations were received by the Licensing Authority within the prescribed time. The points that are relevant to the licensing objectives have been highlighted.

6.3 The representations raised concerns over excessive noise that music at the venue will cause. The objectors do not believe that the proposed application supports the following licensing objectives:

- The prevention of public nuisance

6.4 No agreement has been reached between the applicant and the objectors.

6.6 Further information was requested by the local authority and can be found in **Appendix 5**.

- 6.7 Agreement on certain conditions has been reached with Nottinghamshire Police for the conditions to be included in the licence. These are shown in Paragraph 7.2 below.
- 6.8 Complaints have been received by the local authority with regards to noise and a summary of these complaints can be found at **Appendix 6**. Agreement on certain conditions have been reached with Environmental Health for conditions to be included in the licence. These are shown in Paragraph 7.3 below.
- 6.9 Environmental Health objected to a late TEN notice as detailed at 4.4. Therefore, a counter notice was issued and the event was refused.
- 6.10 Further comments received from the Planning Enforcement Officer can be found at **Appendix 7**.

7.0 Conditions

7.1 Annex 1 Conditions

The following mandatory conditions will be applied to the licence:

Designated Premises Supervisor

No alcohol may be supplied under this Licence:

- (a) at any time when there is no Designated Premises Supervisor in respect of these Premises; or
- (b) at any time when the Designated Premises Supervisor does not hold a personal licence or his/her personal licence is suspended.

Authorisation by Personal Licence Holders

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Irresponsible Promotions

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Potable Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Small Measures

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Sales Of Alcohol Below The Permitted Price

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorizes the supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Door Supervision

Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority. Any such person shall be employed at the premises at the discretion of the Licence Holder/Designated Premises Supervisor and shall display their name badge at all times when on duty.

7.2 **Annex 2 Conditions**

Applicant and Police agreed conditions

A CCTV system shall be installed and operative in the premises when licensable activities are taking place.

All recordings used in conjunction with CCTV shall:

- ***be of evidential quality***
- ***indicate the correct date and time***
- ***be retained for a period of 31 days***
- ***sufficient numbers of staff to be trained to use the system***
- ***Recordings to be made available for inspection when requested by the Police or any other authorised person pursuant to the Data Protection Act 1998.***

A bound and sequentially paginated incident/accident book or electronic record shall be kept to record all instances of disorder, damage to property, personal injury and refusals of service at the premises. This book shall be made available for inspection and copying by the Police and other officers upon request and all such books shall be retained at the premises for at least 12 months.

All members of staff shall be fully trained in the retail sale of alcohol. The training shall be on-going and each member of staff shall be reviewed every six months. All details of the level of training will be recorded in a bound and sequentially paginated book or electronic record. The information shall be made available for inspection and copying by Police or any other authorised person immediately on request and all such books shall be retained at the premises for at least 12 months.

A Challenge 25 policy will be implemented and enforced at all times. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. passport, driving licence, Military ID or PASS accredited card).

7.3 Applicant and Environmental Health agreed conditions:

Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner. Employees must monitor customers leaving the premises at closing time to ensure customer leave site promptly.

All doors and windows shall remain closed when regulated entertainment is taking place, except for when actually being used for access and egress and in the event of an emergency.

The external area of the premises shall not be used for the provision of licensable activities or consumption of food and beverages after 20:00 hours.

No more than 12 events shall be held outside in any calendar year. The premises licence holder shall inform the Environmental Health Service in writing at least two weeks before holding an outdoor event. No regulated entertainment shall be provided in any external areas except for during these events.

Where outside events are held noise levels shall be monitored at the boundary of the premises every 30 minutes whilst regulated entertainment takes place to ensure that no vibration or noise nuisance is caused to any residential premises. The results of all monitoring shall be recorded in either a bound and sequentially paginated book or as an electronic record, which shall be kept at the premises and be available at all times for inspection by an authorised officer of the council or Police Officer. A record of all actions taken as a result of the monitoring shall also be kept.

8.0 Applicable Policies and Guidance

8.1 Newark & Sherwood Statement of Licensing Policy 2019 - 23

Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

Policy 2

When preparing or considering applications, applicants, responsible authorities, interested parties and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the necessity for, and proportionality of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) the nature of the area within which the premises are situated.
- (ii) the precise nature, type and frequency of the proposed activities.
- (iii) any measures proposed by the applicant in the Operating Schedule.

- (iv) the nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) means of access to and exit from the premises.
- (vi) the provision and availability of adequate seating and the restriction of standing areas.
- (vii) transport provision in the area and the likely means of public or private transport.
- (viii) parking provision in the area.
- (ix) the potential cumulative impact
- (x) other means and resources available to mitigate any impact.
- (xi) such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 8.2 The Statement of Licensing Policy (Chapters 6, 7 & 8) are considered particularly relevant to this application. This is attached as **Appendix 8**.
- 8.3 When considering this application for variation the panel may wish to consider Chapters 2, 8, 9 and 10 of the Revised Statutory Guidance issued under section 182 of the Licensing Act 2003 - April 2018. This is attached as **Appendix 9**.

9.0 **RECOMMENDATIONS**

That Members consider the application for a premise licence and the representations made for the Brook House Brewery, 12 Besthorpe Road, Collingham, NG23 7NP and take the steps as it considers appropriate for the promotion of the licensing objectives.

The steps available on determination of a new premise application are:

- **Grant the licence subject to:**
 - i) **such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and**
 - ii) **any condition which must under section 19, 20 and 21 be included in the licence (mandatory conditions)**
- **To exclude from the scope of the licence any of the licensable activities to which the application relates**
- **To refuse to specify a person in the licence as a premises supervisor**
- **To reject the application**

List of Appendices

Appendix 1 – Application Form
 Appendix 2 – Plan of Site
 Appendix 3 – Royal Oak, Collingham licence
 Appendix 4 – Representations Received
 Appendix 5 – Further information received
 Appendix 6 – Summary of complaints
 Appendix 7 – Planning Officer Comments
 Appendix 8 - NSDC Statement of Licensing Policy
 Appendix 9– Statutory Guidance