

CYNGOR SIR POWYS COUNTY COUNCIL

Licensing Sub-Committee 13th July 2022 2pm

Via ZOOM

REPORT BY: Natalie Jones, Licensing Officer

SUBJECT: Application for a NEW PREMISE LICENCE at Green Lizard Brew Co, Barn Business Park, Coedway, Powys, SY5 9AR

REPORT FOR: DECISION

1. APPLICATION

- 1.1 On the 18/05/2022, an application for a New Premises Licence was received from Rhys Jones for a Nano Brewery with tap room to operate out of the Barn Business Park, Coedway, SY5 9AR.
- 1.2 A location map of the premises is set out at **Annex A**. Also included is area of note. There are also some photographs showing the location of the premise in context to some of the residential properties.
- 1.3 A copy of the application and a plan of the premises are reproduced at **Annex B**.

The proposed Premise Licence application describes the premise as a Nano brewery with a tap room onsite, as well as online sales. The sale of alcohol timings applied for are 12.00 - 23.00 Mon – Sun at the site, with 24 hours for online sales.
- 1.4 The applicant & The Licensing Authority satisfied procedural obligations by consulting the Responsible Authorities and advertising the application in the Local Press. Photographic evidence was sent by the applicant demonstrating that the Notice was in situ.
- 1.5 Please see **Annex C** for breakdown of the application showing the licensable activities and times applied for.
- 1.6 Also included as part of Annex C is a table showing other Licensed Premises in the locality. This is for information only it should be noted that each application must be considered on its own merits. It is useful to note that although a premise may have very extensive times, these are maximum hours and not always utilised by premises licence holders to their full extent.
- 1.7 The applicant has offered controls in the operating schedule to the application (box M) these are set out as clearly worded conditions at **Annex E** that would be included on any licence granted (where they are not already legal requirements).
- 1.8 One of the controls that has been offered by the applicant is:

'Installation of sound proofing including sound limiting device'

Clarification is sought from the applicant as to what this will involve to include it as a clearly worded and enforceable condition, should the licence be granted.

2. REPRESENTATIONS

2.1 Responsible Authorities

There were No Objections from any of the Responsible Authorities.

The Police, Trading Standards and Fire Service responded with "no objections" as did Environmental Health. Planning responded with no objections also, but indicated that the applicant should seek planning advice prior to any works commencing.

2.2 Other Persons

Representations have been received from the public and the details of these representations are detailed and attached at **Annex D**. Most are residents located in the proximity of the premise site. (9)

A further objection was received from the Councillor for the area.

2.3 Queries in relation to planning have been raised by a number of the objectors. The panel are reminded that Planning and Licensing are separate regimes

The authorities' Statement of Licensing Policy states:

- *It is strongly recommended that prospective licence applicants contact the relevant Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible*
- *the granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.*

3. OPTIONS

3.1 In determining the application for the Premises Licence, the Sub-Committee must take such steps as are considered appropriate to promote the licensing objectives;

- i) The Prevention of Crime and Disorder
- ii) Public Safety
- iii) The Prevention of Public Nuisance
- iv) The Protection of Children from Harm

3.3 The Committee is considering the application based on the promotion of the Licensing objectives. They must not consider Representations or issues which fall outside the scope of the scope of the Licensing regime. Relevant extracts from the Home Office guidance [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) are listed below :

- *All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.*
- *The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*
- *The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives*
- *It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.*
- *The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided*

3.4 The options are to;

- a) grant the application as submitted by the applicant without modification, with the exception of the inclusion of mandatory conditions made under Section 19, Licensing Act 2003 (Supply of Alcohol) and those offered by the applicant at Annex E, including a suitably worded condition in relation to sound proofing/limiting, or
- b) grant a licence with modified conditions; or
- c) reject the whole or part of the application.

4. DETERMINATION

4.1 The Licensing Sub-Committee is requested to determine the application.