

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Monday, 11th December, 2023 commencing at 1.00 pm.

Councillors Tim Grogan, Andy Paraskos and Mike Schofield.

Officers present: Lynne Ashton, Harriet Clarke, Wan Malachi, John Mathews and Amy Ross.

Copies of all documents considered are in the Minute Book

52 Election of Chair

Resolved:-

That Councillor Tim Grogan be elected as Chair for the meeting.

(Councillor Tim Grogan in the Chair)

53 Apologies for Absence

There were no apologies for absence.

54 Disclosures of Interest

There were no declarations of interest.

55 Procedure for Licensing Hearings

The attached procedure was noted.

56 Harrogate Brewing Company - Application for a new Premises Licence

The Sub-Committee considered the report of the Corporate Director of Environment which sought determination of a new premises licence application in respect of Harrogate Brewing Company, Unit 5B Hambleton Grove Industrial Estate, Hambleton Grove, Knaresborough, HG5 0DB.

The Licensing Enforcement Officer, Wan Malachi, introduced the report which had been circulated to all parties. He advised that the consultation period had been extended due to an initial issue with the publication of the newspaper notice but confirmed that all statutory requirements had since been complied with. The Applicant had requested a licence for the retail sale of alcohol Monday to Sunday from 1200 hours until 2200 hours. A copy of the application and premises plan were provided at Appendix 1.

Correspondence between the Applicant and North Yorkshire Police had resulted in the agreement of additional conditions in order to promote the licensing objectives which were attached at Appendix 4. One representation had been received from the Council's Health and Safety team on the objective of public safety which was attached at Appendix 5. Seven representations had been received from other persons which were indicated at Appendices 6.1 – 6.7. The options available to the panel were outlined at paragraph 13.0 of the report.

In response to questions from the Sub-Committee, the Licensing Enforcement Officer clarified that as per the conditions agreed to from North Yorkshire Police, no open drinking vessels or bottles were permitted to be taken out of the licenced premises onto the pavement or highway, except for consumption in a clearly delineated external area, for instance a beer garden. It was also confirmed that no representations had been received from Environmental Protection.

The Licensing Enforcement Officer informed the Sub-Committee that discussions had been held between the Council's Health and Safety team and the Applicant, prior to the application being submitted. A meeting was also undertaken on site to discuss the options in relation to the use of the outside area. It was also confirmed that a meeting had taken place between the Applicant and several local residents. The Licensing Enforcement Officer had no knowledge of any current traffic regulation orders in place in the local vicinity and advised that this was a matter for the Highway authority.

Submission by the Council's Health and Safety team

The Health and Safety Officer, John Mathews, addressed the Sub-Committee and explained that Hambleton Grove was an industrial estate comprised of 8 units situated adjacent to a residential area in Knaresborough. The site was reported to be predominately used for the storage and distribution of goods and was serviced by articulated and rigid vehicles. The Health and Safety Officer reported that the turning of articulated vehicles had proved problematic due to the limited space and restricted layout of the site. It was explained that attempts had been made to implement an articulated vehicle turning circle which had not been successful.

The Health and Safety Officer displayed CCTV footage obtained from the site of a HGV attempting to reverse and subsequently hitting another vehicle on 19 October 2022. This incident resulted in a Health and Safety Improvement notice being served on 1 November 2022 which required the layout of the industrial estate and use of it by vehicles to be critically reviewed. Improvements to the site included a reversing stub and the production of a vehicle and pedestrian movement plan. The Health and Safety Officer explained that the outdoors area proposed for the beer garden fell within the reversing stub which posed a risk for customers within close proximity to large reversing vehicles and possibly under the influence of alcohol.

Submission by the Applicant

Mr Martin Joyce, the Applicant of Joyce Brewco Limited addressed the Sub-Committee and referred to his previous business experience explaining that the premises would form an extension to the existing brewery unit located at Hookstone Chase in Harrogate. He explained that the brewery was a family business that had been taken on in 2020 shortly before the outbreak of Covid-19. The intention was to use the new premises for storage as well as to create an income opportunity for the business through a taproom facility which would give back to the local community in Knaresborough.

Mr Joyce explained that he had attended a meeting with local residents who had raised objections to the application relating to public disturbance. Mr Joyce informed the Sub-Committee that the Hookstone Chase brewery had not received any noise complaints to date.

On the subject of the turning circle and issues with reversing HGVs, the Applicant explained that he had previously met with the Council's Health and Safety Officer to discuss a practical solution to the matter, which the Applicant felt could be alleviated by reducing the operating hours in order to mitigate any noise concerns. Mr Joyce explained that he had revised the operating hours as below, with outdoor access only being available from 1800 hours Thursday to Friday:

- (i) Thursday (May to September): 1600 hours to 2200 hours
- (ii) Friday: 1600 hours to 2200 hours
- (iii) Saturday: 1200 hours to 2200 hours
- (iv) Sunday: 1200 hours to 2000 hours

In response to questions from the Sub-Committee, the Applicant advised that the occupancy of the premises was likely to be approximately 40 people. He also advised there were no windows in the premises. In response to another question, Mr Joyce clarified that it was proposed that the premises would only be open to the public during the above hours. The Applicant referenced an agreement between the owner of the site and the occupants of the other units on site in relation to vehicle usage, however there was no formal written communication of this agreement. One Member raised concerns that the other businesses on the site might wish to operate out of hour deliveries and that there was no evidence to suggest this could not take place.

With the agreement of all parties present, the Licensing Enforcement Officer informed the Sub-Committee of additional correspondence received from one of the other persons who had been watching the live broadcast of the meeting. It was clarified that the other person had not withdrawn their objection.

The Health and Safety Officer provided clarification of the planning conditions in place in respect of the hours of operation for machinery and delivery vehicles for units 6b and 7 on the industrial site.

The meeting was then adjourned to allow Members to deliberate the application.

Resolved-

The Sub-Committee resolved to grant the licence application subject to:

The conditions consistent with the operating schedule as follows:

The conditions agreed with North Yorkshire Police.

The conditions agreed with the North Yorkshire Council Health and Safety Team.

Mandatory Licensing conditions as required by the Licensing Act 2003.

Additional licensing conditions as considered necessary for the promotion of the licensing objectives as follows:

1. The outside of the premises is not to be used for any licensable activity.

- 2. The use of the inside of the premises for licensable activities is restricted to the following hours -
 - (i) Thursday (1st May to 30th September): 1600 hours to 2200 hours
 - (ii) Friday: 1600 hours to 2200 hours
 - (iii) Saturday: 1200 hours to 2200 hours
 - (iv) Sunday: 1200 hours to 2000 hours
 3. The pathway leading between the highway and the premises be adequately lit.

The meeting concluded at 2.25 pm