

North Yorkshire Council

Statutory Licensing Sub-Committee

Monday 11 December 2023

Harrogate Brewing Company - Application for a New Premises Licence

Report of the Corporate Director of Environment - Karl Battersby

1.0 PURPOSE OF REPORT
1.1 The purpose of this report is to determine a premises licence application under the Licensing Act 2003.

2.0 BACKGROUND

- 2.1 An application for the grant of a premises licence has been made by Joyce Brewco Limited, Unit 5b Hambleton Grove Industrial Estate, Hambleton Grove, Knaresborough, HG5 0DB. A copy of the application and associated plan is attached at appendix 1.
- 2.2 The applicant is Martin Joseph Joyce, Joyce Brewco Limited, Unit 7 Hookstone Chase Centre, Hookstone Chase, Harrogate, HG2 7HW
- 2.3 The premises are described as an established industrial unit with access through one door and a roller shutter. The unit comprises an end terraced steel portal frame with profile metal clad walls and a profile cement roof located in an established estate of 7 predominantly terraced units totalling approximately 40,000 sq.ft with shared access and car parking for all units.
- 2.4 The use of the premises is described as an extension to the existing brewery unit located at Hookstone Chase in Harrogate and used for product storage. The proposed 'Taproom facility would include some outside area to hold a number of tables and chairs. This would provide a 'beer garden' area. The hiring of a food truck and the use of a temporary outside bar area during the warmer months would be considered if demand required it. Approx. 35% of the internal space would be allocated to the internal tap room. Off-supplies of bottles and gift packs to be consumed away from the premises would also be part of the offer.
- 2.5 The application is for the following licensable activities:

Sale by Retail of Alcohol

Monday to Sunday 1200hrs until 2200hrs

Note: The Live Music Act 2012 removes the licensing requirement for amplified live music taking place between 0800hrs and 2300hrs before audiences of no more than 500 persons on premises authorised to supply alcohol for consumption on the premises. Background music is also exempt.

Opening hours

Monday to Sunday 0700hrs until 2300hrs

3.0 PROMOTION OF LICENSING OBJECTIVES

3.1 Section 4 of the Licensing Act 2003 places a duty on the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

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

3.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

4.0 REPRESENTATIONS

4.1 A number of additional conditions were proposed by North Yorkshire Police to promote the licensing objectives. These conditions are attached at appendix 4.

4.2 The applicant has agreed to all the conditions requested by North Yorkshire Police and these will form part of the operating schedule. This correspondence is attached at appendix 4.1.

4.3 One representation has been received from North Yorkshire Council Health & Safety Team on the objective of Public Safety.

4.4 The representation is attached at appendix 5.

4.5 There have been seven representations received from other persons which are attached at appendix 6.1 to 6.7

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 Not applicable

6.0 FINANCIAL IMPLICATIONS

6.1 Not applicable

7.0 LEGAL IMPLICATIONS

7.1 The Legal section has been consulted during preparation of this report.

8.0 EQUALITIES IMPLICATIONS

8.1 Not applicable

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 Not applicable

10.0 POLICY CONSIDERATIONS

10.1 The following sections of North Yorkshire Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application:

- Disturbance and environment - sections 4, 6 and 9
- Crime and disorder - sections 4 and 6
- Public safety - section 4
- Protection of children - sections 4 and 6

OTHER CONSIDERATIONS

10.2 The following sections of the Guidance issued under section 182 of the Licensing Act 2003 (updated April 2018) issued by The Secretary of State for Culture, Media and Sport are relevant in considering the licensing objectives in relation to this application:

- Crime and disorder Section 2.1
- Public safety Section 2.7
- Public nuisance Section 2.15
- Protection of children from harm Section 2.22

11.0 HUMAN RESOURCES IMPLICATIONS

11.1 Not applicable

12.0 CONCLUSIONS

12.1 An application has been made for the grant of a premises licence by Joyce Brewco Limited, Unit 5b Hambleton Grove Industrial Estate, Hambleton Grove, Knaresborough, HG5 0DB. Conditions agreed with North Yorkshire Police will form part of the conditions proposed in the operating schedule.

12.2 There is one representation from a Responsible Authority for the Sub-Committee to consider, this is attached at appendix 5.

12.3 There are seven representations from interested parties for the Sub-Committee to consider, attached at Appendix 6.1 to 6.7.

13.0 RECOMMENDATION

To take any of the following steps as the Sub-Committee considers appropriate for the promotion of the licensing objectives:

- i) To grant the licence
- ii) To grant the licence with conditions
- iii) To reject the application in whole or in part

APPENDICES:

Appendix 1 – Copy of application and plan

Appendix 2 – Mandatory Conditions imposed under Licensing Act 2003

Appendix 3 – Plan of premises vicinity

- Appendix 4 – Suggested conditions proposed by North Yorkshire Police
- Appendix 4.1 – Agreement to conditions proposed by North Yorkshire Police
- Appendix 5 – Representation from North Yorkshire Council Health & Safety Team
- Appendix 5.1 – Health & Safety representation forwarded to applicant
- Appendix 6.1 – Representation from other person
- Appendix 6.2 – Representation from other person
- Appendix 6.3 – Representation from other person
- Appendix 6.4 – Representation from other person
- Appendix 6.5 – Representation from other person
- Appendix 6.6 – Representation from other person
- Appendix 6.7 – Representation from other person

Karl Battersby
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16 November 2023

Report Author: Wan Malachi, Licensing Enforcement Officer
Presenter of Report: Wan Malachi, Licensing Enforcement Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.