

Licensing Sub- Committee

Tuesday, 24 July 2018

MINUTES

Present:

Councillor Roger Bennett (Chair), Councillors Andrew Fry and Yvonne Smith

Also Present:

Mr Matt Whitman, Project Delivery Manager for Astwood Infrastructure Limited

Officers:

Vanessa Brown and Tom Phelan

Democratic Services Officer:

Sarah Sellers

10. ELECTION OF CHAIR

Councillor Roger Bennett was elected to be the Chair for the meeting.

11. CHAIRS WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and Officers present. The Chair welcome Mr Matt Whitman representative of Astwood Infrastructure to the meeting.

12. APOLOGIES

There were no apologies for absence.

13. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

14. PREMISES LICENCE APPLICATION - ASTWOOD INFRASTRUCTURE LIMITED REGARDING PREMISES AT UNIT 6 COLEMEADOW ROAD NORTH MOONS MOAT REDDITCH B98 9PB

The Sub-Committee were asked to consider an application for a Premises Licence in respect of premises at Unit 6, Colemeadow Road, North Moons Moat Redditch, B98 9PB.

The application had been made by Mr Bert Roelants of Astwood Infrastructure Limited, the occupiers of the site.

The application had been referred for a hearing before the Sub-Committee in light of a representation made by Mr Keith Beng on behalf of Raicam Clutch Limited who operated a business from premises at Unit 8 Colemeadow Road North Moons Moat Redditch B98 9PB. Members were asked to note that although the representation had been made neither Mr Keith Beng nor any representative on his behalf was in attendance for the hearing.

It was explained to the Members that the applicant Mr Bert Roelants had not been available to attend the hearing. In his place Astwood Infrastructure were represented by Mr Matt Whitman, Project Delivery Manager.

The Licensing Technical Officer, Worcestershire Regulatory Services (WRS) introduced the report and in doing so explained that the premises consisted of an industrial unit located in the North Moons Moat industrial estate. It was intended that the trading area be limited to a brewery tap room area and a bottle shop room located at the front of the building.

Members were referred to the licensable activities and hours of operation for which the Applicant was seeking a licence, listed at paragraph 2.4 on page 2 of the agenda and set out below:-

Activity	Days	From	To	Indoors/Outdoors
Performance of Live Music	Sunday	14:00	20:00	Indoors
Performance of Live Music	Friday to Saturday	14:00	22:00	Indoors
Playing of Recorded Music	Sunday	14:00	21:00	Indoors
Playing of Recorded Music	Friday to	14:00	23:00	Indoors

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Music	Saturday		
Sale of Alcohol	Sunday	12:00 - 21:00	Both
Sale of Alcohol	Friday to Saturday	10:00 - 23:00	Both
Sale of Alcohol	Monday to Thursday	10:00 - 22:00	Both

It was noted that no representations had been made from any of the Responsible Authorities.

Members were referred to the representation made by Mr Beng from Raicam Clutch Limited on page 27 of the agenda. The representation commented on concerns with regard to noise from music being played at Unit 6 and the potential for the licensable activities, if permitted, to cause problems with litter. The Licensing Officer Technical explained that the comments regarding parking were not relevant as they fell outside of any of the Licensing Objectives.

At the invitation of the Chair, Mr Matt Whitman on behalf of the applicant addressed the Sub-Committee in support of the application.

By way of background Mr Whitman explained that the premises at Unit 6 were used by Astwood Infrastructure for research and development into vertical farming using green energy methods. This involved multi-level growing of vegetables such as salad crops under artificial conditions. The system developed had produced surplus heat as a by-product. The company had therefore developed a brewing process that would be able to use the heat/hot water in the brewery tanks. It was explained that the equipment used at the Redditch site was a small scale version that would be used for testing and development. The company owned a much larger site in Lincolnshire, and it was their intention to establish a larger scale operation growing vegetables and brewing beer at the Lincolnshire site.

Mr Whitman explained that Astwood Infrastructure did not believe the operation of the brewery and off licence sales would cause any particular disturbance to other companies based on the industrial estate. There would be no passing trade and the shop for off licence sales would only be open during office hours and the existing staff would serve any customers. Nearby residents were unlikely to be affected.

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Mr Whitman emphasised that the operation was not going to be a drinking establishment. Aside from off sales of bottled beers produced at the site being sold in the bottle shop, the tap room would be used for brewery tours and promotional events only.

In response to questions from Members of the Sub-Committee Mr Whitman confirmed that:-

- There were no plans to have any outside drinking area; activities would be limited to the bottle shop and the tap room;
- The company had long terms plans for the site as it would provide the research and development for the larger site in Lincolnshire, for example testing out brewing methods for new types of beers;
- Although the application included “live music” this would consist of an acoustic guitar or other similar performer to create a pleasant ambience for events in the tap room and would not involve loud rock music;
- The main visitors to the site were expected to be beer enthusiasts who wanted to try the beer or buy some from the bottle shop, and corporate clients invited by Astwood Infrastructure on tours of the site with the visit finishing with some beer sampling in the tap room.
- Members of the public visiting would not be able to stay to “drink” and it was not intended that the site be open for off sales every weekend; this was more likely to be limited to one Saturday a month;

Mr Whitman assured the Members that due consideration had been given to making arrangements for a Designated Premises Supervisor to be on site as required under the Licensing Act, and that staff would be given full training on all aspects relevant to the sale of alcohol, including underage ID checks, asking customers to use the premises in an orderly and respectful manner and preventing the drinking of alcohol outside of the brewery taproom.

In response to further questions from Members, Mr Whitman confirmed that he thought it unlikely the site would attract underage drinkers due to the location, the products and the price range. The proposed hours of operation had been chosen because Friday afternoons and weekends were predominantly quiet times for the other nearby businesses.

The Council’s Legal Advisor summarised for Members that the concerns raised by Riagam in their objection letter had been noise and litter. With regard to noise, the hours of operation of Raicam

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were not known but as to location, the site was in an industrial area rather than a residential area. The relevant Licensing Objective was the prevention of public nuisance. Members needed to consider what evidence had been presented that this objective might be undermined taking into account the letter from Raicam, the representations made by Mr Whitman as to how the business would be operated and the fact that this was a new application.

The Chair announced that the Hearing would be closed for the Sub-Committee to consider all of the information and to make their decision in private. The Sub-Committee's decision would be sent to the applicant and all parties who made representations within five working days.

DECISION

Having had regard to:-

- The provisions of the Licensing Act 2003
- The Statutory Guidance issued under Section 182 of the Act
- The Council's Statement of Licensing Policy
- The Report presented by the Licensing Officer
- The objection letter submitted by Mr Ketih Beng of Raicam Clutch Limited
- The application and oral representations made at the hearing by the Applicant's representative Mr Matt Whitman

the Sub-Committee RESOLVED that the application for a Premises Licence relating to at Unit 6, Colemeadow Road, North Moons Moat Redditch, B98 9PB be granted, in accordance with the application, subject to the standard mandatory conditions.

The Sub-Committee noted that the premises would be open to the public but the business location would not lend itself to passing trade. The business was targeting those with an interest in specialist beer and the green energy methods used by the company. It was noted that the site was used for small scale testing and research into vertical farming, and it was the surplus hot water produced by these systems at the site that would in turn be used for the brewing process that the company had developed.

The Sub-Committee noted that this was not a drinking place but a bottle shop where customers were able to sample the beers prior to purchase. The Sub-Committee did not consider that this type of business would attract those seeking a place to drink as it was clear

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that the intention was that purchases were made for consumption off site.

The Sub-Committee noted the concerns raised by Mr Beng, however the brewery was only seeking permission to play music on 3 days a week from 14:00 on Fridays to 22.00 on Sundays. There would therefore only be a small overlap in business hours between the two operations with the potential for any disruption caused by music for Mr Beng's company being restricted to Friday afternoons.

The Sub-Committee further took into account the representations from Mr Whitman that the music would only be background music, primarily used for promotional events and would consist of a "man with a guitar".

The Sub-Committee also had regard to the distance between the two premises and did not consider that noise would interfere with the business activities of Raicam Clutch Limited. It was also of note that this was not a residential area and there must be an expectation of noise emanating from other businesses. The Sub Committee did not consider that the noise levels from this business would be any more intrusive than that from any other activity or premises already operating in the area.

The Sub-Committee was impressed with the training and management processes in place which Members considered addressed the licensing objectives. Members would suggest that dialogue between the parties may alleviate any concerns regarding the operation of the business.

The Sub-Committee noted that no representations had been made by any of the Responsible Authorities, nor by local residents or other occupants of the business park.

The Sub-Committee took the view that all of the information presented to it, rather than those matters of simple conjecture, pointed to the fact that this was a responsible operator, and the promotion of the licensing objectives would best be served by granting the application applied for, subject to those conditions set out in the operating schedule.

Clearly, if evidence subsequently came to light regarding actual problems at the premises, rather than perceived problems, then the licence could be reviewed by Sub-Committee.

The following legal advice has been given:

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- That the Licensing Objectives must be the paramount consideration;
 - That the Sub-Committee may only have regard to representations which promote the four licensing objectives; and
 - That the Sub-Committee must consider only those matters relevant to the premises.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the Applicant.

15. EXCLUSION OF THE PUBLIC AND PRESS

The Meeting commenced at 10.30 am
and closed at 11.10 am