



OPEN REPORT LICENSING AND APPEALS SUB-COMMITTEE

Licensing and Appeals Sub-Committee – 17TH April 2024

**Licensing Act 2003 - Application for New Premises Licence
Peak Ales Ltd, Artisan Units 3 – 6, Longstone Lane, Ashford in the Water,
DE45 1NH**

Report of Director of Place and Economy

Report Author and Contact Details

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Wards Affected

Bakewell

Report Summary

This report informs the Committee of an application made under section 17 of the Licensing Act 2003, by Peak Ales Ltd, for a Premises Licence, for the sale of alcohol by retail to the public for consumption both on and off the premises from Unit 3, Artisan Units, Ashford in the Water .

Full details of the application for the new licence and the procedure for processing it are included in the report.

The Committee is asked to consider a representation objecting to the application. This was received from a resident. The objection has been made on the grounds that public safety and the prevention of public nuisance licensing objectives, would be undermined if the licence was granted.

Recommendations

That the application for a Premises Licence, made by Peak Ales Ltd, to allow the sale of alcohol to take place at Peak Ales Ltd, Artisan Units, Unit 3, Longstone Lane, Asford- in the - Water, be determined

List of Appendices

Appendix 1 – Application Form and Premises Plans
Appendix 2a – Schedule of Mandatory and Volunteered Conditions
Appendix 2b – Schedule of Conditions agreed with Responsible Authorities
Appendix 3 – Representation from Other Person
Appendix 4 – Hearings Procedure

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

1 The Application

1.1 The Licensable Activities

On 23rd February 2024, an application was received from Peak Ales Ltd. The application is for a Premises Licence, to allow the sale of alcohol at Artisan Units, Unit 3, Longstone Lane, Asford-in-the-Water.

The proposed licensable activities are:

sale of alcohol for consumption on/off the premises between the hours of:

- 08.00 am and 11.00 pm Monday to Thursday
- 08.00 am and 11.30pm on Friday/Saturday
- 08.00 am and 22.30pm on Sunday.

premises opening hours will be:

- 08.00 am to 23.30pm Monday to Thursday
- 08.00 am to 24.00 Midnight on Friday/Saturday
- 08.00 am to 23.00 Sunday.

- 1.2 The applicant has volunteered measures in the operating schedule part of the application (section M) which they consider will ensure promotion of the licensing objectives. (See section 1.7 below),

A copy of the full application and site plan are included in **Appendix 1** for information.

1.3 Advertising the Application

The legislation requires that the application is served on all the Responsible Authorities, at the same time it is served on the Licensing Authority. Please see table in paragraph 1.9.1 for details of Responsible Authorities and their responses to the application.

- 1.4 The applicant is required to display a notice at the premises (on pale blue coloured paper) for a period of 28 consecutive days and place an advertisement in a local newspaper or similar publication which circulates in the area where there isn't a newspaper, informing local residents and businesses of the application.

The Licensing Authority is required to advertise notice of the application on the District Council's website, and to make available public register copies on request.

1.5 The 28-day period during which the Responsible Authorities and Other Persons could make representations to the Licensing Authority in respect of this application, ended on Thursday 21st March 2024.

1.6 The Operating Schedule – Licence Conditions

In section M of the Operating Schedule part of the application form, the applicant is required to describe the steps that they intend taking to promote the four licensing objectives if the application is granted.

The four licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

1.7 The legislation allows for any measures that an applicant has volunteered in Section M of the Operating Schedule part of the application, to be translated into licence conditions and (together with the Mandatory Conditions specified in the Licensing Act 2003), to be attached to a premises licence, if granted.

1.8 A schedule of the mandatory licensing conditions and conditions consistent with the measures proposed by the applicant (see Section M of the Application) is produced in **Appendix 2 (a)** for the Committee’s consideration

1.9 **Representations**

1.9.1 Responsible Authorities

During the consultation period, the application was provided to the Responsible Authorities for consideration. The responses received from the Responsible Authorities are detailed in the following table:

Derbyshire Police Authority (North Division)	Additional conditions agreed attached at Appendix 2(b)
DDDC Environmental Health Public Health Team (Noise Pollution)	“...I have no objections to this application for a Premises Licence..”
DDDC Environmental Health – Commercial Team (Health & Safety).	“...I don’t really have any concerns for this application, except they need to register with the service. I have emailed them separately now...”.
Derbyshire Fire & Rescue Service (Buxton)	No response.
Peak District National Park Authority (PDNPA)	No response.
Derbyshire County Council Trading Standards	Additional conditions agreed attached at Appendix 2(b)
Derbyshire County Council’s Children’s Services - Safeguarding	“There are no objections to the above from a child safeguarding perspective. perspective...”
Derbyshire County Council Public Health	No response.
DDDC – Licensing Authority	No response required.

1.9.2 Other Persons

During the consultation period, 1 representation in respect of the application was received from a resident.

The representation, was made on the grounds that if this licence is granted the public safety and the prevention of public nuisance licensing objectives, would be undermined.

The representation is produced in **Appendix 3**, for the Committee's consideration

2 **The Hearing**

- 2.1 The Sub-Committee consists of 3 Members drawn from the full Licensing and Appeals Committee. The Members are Councillors Steve Wain, John Bointon and Joanne Linthwaite.
- 2.2 The Sub-Committee will be advised by Kerry France, Legal Services, and the report will be introduced by Grace Dowson, Licensing Manager.
- 2.3 A copy of the procedure to be followed by the Sub-Committee is set out in **Appendix 4**, for information.
- 2.4 In determining the application for a premises licence the Sub-Committee will consider the measures proposed by the applicant to promote the 4 licensing objectives and any relevant representation received and not withdrawn. The Committee will also take into account the provisions of the 2003 Act, and the most current Statutory Guidance issued to Licensing Authorities under section 182 of the Act. (December 2023).
- 2.5 The Committee will have regard to the District Council's most current Licensing Policy Statement republished under section 5 of the 2003 Act. The Policy was reviewed and republished in January 2021 (to be reviewed again no later than January 2026).
- 2.6 In making its decision the Licensing Sub-Committee has powers to
 - approve the application;
 - reject the whole of the application;
 - reject part of the application;
 - exclude licensable activities from the licence;
 - restrict hours of the activities;
 - and/or attach conditions consistent with the Operating Schedule part of the application,
 - or other conditions deemed necessary and proportionate for the promotion of the licensing objectives.