

# **Runnymede Borough Council**

## **Licensing Sub-Committee**

### **Application for a new Premises Licence under the Licensing Act 2003**

**The Decent Brewery Ltd, Unit 1, LHS Gate House, Hamm Moor Lane, Addlestone,  
Surrey KT15 2SD**

**Date of Hearing: Wednesday 23 September 2015 at 11.00am**

**Venue: the Council Chamber, Civic Centre**

### **NOTIFICATION OF DECISION**

Members of the Committee: Councillors D W Parr (Chairman), Mrs D V Clarke  
and Mrs M Roberts

The Applicant Mr R D N Hamilton from the Decent Brewery Ltd.

Other Persons: Miss N Da Costa, Mr B Da Costa, Mr P Clifford and Mr B  
Bardoshi.

Officers of the Authority Robert Smith, Senior Licensing Officer, Andrew Atkinson,  
Solicitor, Legal Advisor to the Sub-Committee and Clare  
Pinnock the Clerk to the Sub-Committee.

This is an application by The Decent Brewery Ltd, Unit 1, LHS Gate House, Hamm Moor Lane, Addlestone, Surrey KT15 2SD under section 17 of the Licensing Act 2003 for a Premises Licence. The Application is for a new licence for the supply of alcohol for consumption both on and off-premises . The proposed times for alcohol sales are Monday to Sunday from 09:00 to 23:00 hours with proposed opening times of the premises for these same hours. No non-standard timings or seasonal variations for the supply of alcohol were applied for. It was clarified that brewing beer was not itself a licensable activity and could take place 24 hours a day.

Neither the Licensing Authority nor any of the Responsible Authorities had submitted any representations. Two relevant representations had been received from local residents.

Mr Smith, the Senior Licensing Officer, presented the report to the Sub-Committee and answered questions. The stated purpose of the licence was for Customers to be able to visit the brewery to buy and collect beer and could also sample beer as part of the brewery tour, inclusive in the price. Mr Smith directed the Sub-Committee to the relevant statutory and local guidance.

Mr Hamilton was invited to present the applicant company's case and answer any questions. He explained the business was a micro-brewery producing about 1,600 litres in each cycle equating to no more than 10 barrels stored on the Premises. Initially, they planned to brew only once or twice a week. The brewery tours with on and off sales of their beer from a small bar area at the front of the unit, would only be a subsidiary activity. Tours would be by invitation only, for limited numbers, e.g. 20 and aimed at beer connoisseurs. Off-sales would be by appointment only, to collect an order rather than operating like an off licence. In response to a suggestion from the Chairman Mr Hamilton conceded they would be unlikely to be a demand to run tours or off-sales on a Sunday evening or on Bank Holidays, such as Christmas Day.

The other persons were invited to make representations Miss Da Costa felt that the hours of licensable activity were too long and, as she lived close by, would impinge on her peace and quiet. Mr Clifford provided background information on how the area had developed over the 42 years since he had moved there and summarised his concerns as 'fear of the unknown'.

All those who had spoken were given an opportunity to make closing submissions.

**Decision:**

The Sub-Committee carefully considered the application, the committee report, including the written representations; the submissions of Mr Smith; the representations on behalf of the applicant company and those of the other persons; the relevant provisions for the Licensing Act 2003 and of the latest Amended Guidance issued under Section 182 of the Act in March 2015; The Council's Licensing Policy (Third Edition) 2011-2016, paragraphs 4 to 9 relating to local policy.

The Sub-Committee was satisfied that the licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm were engaged.

The decision of the Sub-Committee was to grant the Premises Licence in accordance with the application subject to mandatory conditions, the conditions consistent with the operating schedule submitted and including the following:

- The supply of alcohol for consumption on and off the premises between the hours of 09:00 to 23:00, Monday to Saturday, but the hours that licensable activity may take place be restricted to commencing at 09:00 hours and terminating at 20:00 hours on Sundays and be prohibited altogether on the following bank holidays: Christmas Day, Boxing Day and Good Friday.

**Reasons:**

The Sub-Committee considered the conditions proposed were appropriate to address potential problems that might arise, taking into account those raised by the representations from the other persons.

- Mr Hamilton on behalf of the applicant company, had conceded that certain restrictions on the days and hours of operation but there were no good reasons, based on the licensing objectives and informed by the local Policy or the national Guidance for further restricting these days or hours of operation.

Members noted that if concerns relating to the licensing objectives arose then any person could apply under the legislation to have the licence reviewed.

## **Appeal**

If the Applicant or any person having made a relevant representation is dissatisfied with this decision he or she may appeal against the decision to the Staines Magistrates' Court, Knowle Green, Staines, Middlesex within the period of 21 days beginning with the day on which he or she was notified by the licensing authority of the decision appealed against.

## **Effective Date**

The premises licence will take effect from 23 September 2015.

Dated: **28 September 2015**

Signed:

A handwritten signature in black ink, appearing to read "Marie Lee".

**For the Corporate Head of Legal & Governance, Runnymede BC**