

LICENSING AND APPEALS SUB-COMMITTEE

30<sup>th</sup> May 2018 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Muller (Chairman), Councillor Rhind (Labour Group) and Councillor Tipping (Independent / Non-Grouped Member)

**District Council Representatives**

S Ali (Principal Legal Officer), E McHugh (Senior Licensing Officer), F Tucker (Trainee Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/1 **APPOINTMENT OF CHAIRMAN**

Councillor Muller was appointed Chairman of the Sub-Committee.

LAS/2 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

LAS/3 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/4 **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE NATIONAL FOREST SPRING WATER LTD, HIGHFIELDS, COCKSHUT LANE, MELBOURNE, DERBYSHIRE, DE73 8DG**

The Sub-Committee considered an application for a Premises Licence under the Licensing Act 2003 – The National Forest Spring Water Ltd, Highfields, Cockshut Lane, Melbourne, Derbyshire, DE73 8DG.

The Trainee Licensing Officer outlined the application and informed the Sub-Committee that Mrs Hackett, one of the representatives, had requested that it be made known that whilst she had wished to attend, she was unable to do so due to being out of the country.

Mr David Smith, the applicant, advised the Sub-Committee that he had been operating the National Forest Spring Water Ltd for the past 14-15 years, that the water was sourced from a borehole at the property and he had received an offer from another company to make gin with the spring water, to be sold as 'National Forest Gin'.

Mr Smith stated that he had no interest in an on-site distillery, that his company would supply one thousand litres of spring water at a time to an off-site facility and that the product would be returned as bottled gin, for his company to sell and distribute. It was estimated that 50litres of the gin product would be sold each week, a small addition to the volumes of spring water sold. Mr Smith confirmed that there would be no open days at the site and no organised tasting sessions at the site. The gin would be marketed online, alongside the company's main product, the spring water.

Mr Smith confirmed that he and his brother own all accesses to the premises, that there was no public right of way and that the premises were gated.

Councillor Tipping queried the number of lorries now accessing the premises. Mr Smith stated that one to two lorries accessed the site per day, with the gates open from 7.00am to prevent parking on the road. Mr Smith also commented that other lorries had been seen turning into the drive, but that this was down to satellite navigation errors. The Chairman enquired whether there were any tasting facilities on site; Mr Smith stating that there were none, the premises principally a secure store. It was also clarified that other businesses, including a holiday cottage, shared the same lane.

The following individuals attended the Meeting and were invited by the Chairman to make representations to the Sub-Committee.

Mr J Iliffe relayed the representations originally made by his wife, stating that whilst they respected the need to maintain a business, eight families shared the drive with the businesses and, at times, its single track status made passing problematic, along with the difficulties encountered by the drivers of 40ft articulated lorries undertaking the sharp turn off Cockshut Lane. Their main concerns related to the increase in traffic, safety, noise and nuisance. Mr Smith confirmed that his company does not operate heavy goods vehicles, that development on the lane was beyond his control and that, whilst the access was not ideal, none of his vehicles had been involved in accidents.

Mrs P Brown stated that although only three complaints had been made, all residents were affected by traffic on the lane. Mrs Brown made reference to an accident, whilst emerging onto Cockshut Lane, in which her Volvo car had been written off. Mrs Brown added that now that the Melbourne Sporting Partnership premises were in operation, parking and access had become more difficult, especially when matches were on. Although these issues contributed to the difficulties, it was appreciated that they were more of a Highways matter, not directly related to the business in question.

Councillor Rhind queried the status of the road leading to the business premises. Mr Smith confirmed that the lane was private and wholly owned by himself and his brother, with access only permitted for residents and visitors.

**RESOLVED:-**

***That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at "SMB1".***

LAS/5

**DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – SUMMER GATHERING FESTIVAL AND MADCHESTER, ELVASTON CASTLE COUNTRY PARK SHOWGROUND, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP**

The Sub-Committee considered an application for a Premises Licence under the Licensing Act 2003 – Summer Gathering Festival and Madchester, Elvaston Castle Country Park Showground, Borrowash Road, Elvaston, Derby, DE72 3EP.

Mr Mark Lambert, the applicant, advised the Sub-Committee that he had been involved in event management for twenty-five years, with four years on this event and that the effects of bad weather last year had prompted a change of venue to Elvaston. Mr Lambert outlined the two day event, the Saturday an over 18's dance and music festival, the Sunday a family music event. Mr Lambert made reference to an event management plan, but due to its late submission, just before the meeting, the Police had declined its acceptance.

The Council's Environmental Health Officer informed the Sub-Committee that he had received insufficient information relating to the event on which to form a judgement on whether the licensing objectives had been complied with and whether conditions should be applied, requiring, as a minimum, a risk assessment and event management plan to be in place and agreed 28 days in advance of the event.

PC's Mark Paternoster and Mark Dunn attended on behalf of the Derbyshire Constabulary. PC Paternoster informed the Sub-Committee that this was the first application the Derbyshire Police had received from Mr Lambert, that it contained insufficient information and that they had been unable to establish the details with the applicant. No detailed event management plan had been supplied and therefore the application did not meet with their requirements. The application did not address, for example, how drunken individuals would be dealt with, how under 18's attempting to buy alcohol would be managed, how tickets would be limited to over 18's, management of access to the site and how under 18's would be challenged and turned away from the site.

No musical artists had been confirmed, so no checks had been possible. There were no details relating to the size of the bar, the number of staff, including security staff, staff training, control of drugs measures and how emergencies would be dealt with. There was no reference to zero tolerance messages in the application or on posters. Additionally, PC Paternoster stated that there were no details of how the site would be cleared after the Saturday night, before families arrived for the Sunday event. The application stated that the event ceased at 11pm on the Sunday, but requested a licence until 2am,

but had no details regarding safe access and egress from the site, especially in emergency situations, with no information provided for residents in the area. PC Mark Dunn informed the Sub-Committee that licensing conditions differed from a safety plan, in that any conditions applied to a licence created problems with monitoring as any lapse equated to a breach. There were issues with the venue, the lack of local infrastructure, no details as to who would deal with drunken members of public and disorder issues, contingency plans for vacating the site, especially in the event of wet weather. PC Dunn stated that the application was yet to be considered by the safety advisory group and that the presentation of a detailed management plan was far too late in terms of future planning from a Police perspective. PC Dunn therefore requested that the Sub-Committee not issue a licence at this time.

The Chairman queried the two mixed age events, with a younger age group on the Saturday, families on the Sunday and plans for site clearance between the two. Mr Lambert referred to the events as completely separate, more common in London and Manchester than Derbyshire, commenting that evidence of a successful event could not be provided until the event had been held at the venue. In relation to egress from the site, Mr Lambert stated that they anticipated attenders would rely on arranged coaches, taxi's and designated drivers. PC Dunn made reference to other recent events with traffic problems and drug related deaths at festivals, repeating that too little information had been provided too late, also querying the change in venue from Castle Donington, which they felt was far better equipped for such events.

**RESOLVED:-**

***That the application for a Premises Licence be refused, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at "SMB1".***

The Meeting terminated at 11.55am.

COUNCILLOR D MULLER

CHAIRMAN