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Premises / Personal Licences Sub-Committee

25 November 2024

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 25TH NOVEMBER, 2024 AT 10.00 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Davidson, J Henderson and Smith
Also Present:	Councillor Casey (Standby)
In Attendance:	Linda Trembath (Head of Legal Services), Michael Cook (Licensing Manager), Sarah Opene (Litigation Lawyer), Emma King (Licensing Officer), Emma Haward (Leadership Support Officer), and Christopher Bailey (Elections and Leadership Support Officer)

31. ELECT A CHAIRMAN FOR THE MEETING

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

RESOLVED that Councillor J Henderson be elected as Chairman for the meeting.

32. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

33. MINUTES OF THE LAST MEETING

It was moved by Councillor Smith, seconded by Councillor Henderson and:-

RESOLVED that the minutes of the meeting of the Sub-Committee held on Friday, 27 September 2024, be approved as a correct record and be signed by the Chairman.

34. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

35. REPORT OF THE DIRECTOR (GOVERNANCE & LEGAL) - A.1 - GRANT OF A PREMISES LICENCE - WESTBROOKS BREWERY LTD, UNIT 1 GRANGE FARM, GRANGE ROAD, LAWFORD, MANNINGTREE, CO11 2ND

The Sub-Committee was informed that an application had been received for the Grant of a Premises Licence under the Licensing Act 2003 from Ms Jessica Westbrook of Westbrooks Brewery Ltd to sell alcohol off the premises at Westbrooks Brewery Ltd, Unit 1 Grange Farm, Grange Road, Lawford, Manningtree, Essex and further that an objection notice to the proposed licensable activity had been received from Tendring District Council's Planning Authority.

The Licensing Manager stated that the applicant described Westbrooks Brewery Ltd as a cold-storage unit, situated inside a larger storage facility on a farm. The exterior of the building had stone walls, metal cladding, roller shutter doors and a concrete floor.

Alcohol (kegs and cans of beer) would be stored in a cold store inside the main storage unit. All alcohol would be stored here, packed for delivery and collected via DPD. No alcohol would be consumed on site. It would be for personal consumption at home by people who ordered from them, or in pubs/restaurants covered by their own licenses.

Members were advised that, since scheduling the meeting of the Sub-Committee, Tendring District Council's Planning Officers had met with the applicant who had advised that there were no intentions for the shop to be open to the public. The Licensing Manager had assured Members of the Sub-Committee that the applicant was able to answer all questions to satisfy the Planning Authority. Therefore, Tendring District Council's Planning Authority had withdrawn their objection. The application would therefore be granted in full subject to the conditions on the operating schedule.

The Chairman (Councillor J Henderson) then adjourned the meeting until 11:30 a.m. for the next agenda item as scheduled.

The Sub-Committee resumed at 11:30a.m.

36. REPORT OF THE DIRECTOR (GOVERNANCE & LEGAL) - A.2 - GRANT OF A PREMISES LICENCE - WYVERNWOOD LIMITED, ST OSYTH ROAD, ALRESFORD, CO7 8ES

The Sub-Committee heard that an application had been received for the Grant of a Premises Licence under the Licensing Act 2003 from Wyvernwood Limited to sell alcohol only on the premises at Wyvernwood Limited, St Osyth Road, Alresford and further that objections to the proposed licensable activity had been received from members of the public.

The Licensing Manager advised Members that the applicant had described Wyvernwood Limited as an open, outdoor family adventure park set over 30 acres. Wyvernwood was a 'magical kingdom' with play equipment with some covered areas, tipis and pergolas. It was a secluded and quiet setting on the outskirts of Alresford Village with on-site free car parking. There were food and drink outlets at the north-east side of the park in the castle grounds.

The application proposal was for licensable activities and the sale of alcohol on the premises every day between the operating hours of 09:00 and 21:00. The applicant had outlined steps in the application to promote the full licensing objectives.

Susie Marsden, the applicant spoke on behalf of the application.

James Fulger, a member of the public, objected to the application.

Dave Wendham, a member of the public, objected to the application.

Ernie Osbourne, representative of Alresford Parish Council, objected to the application.

QUESTIONS FROM MEMBERS:-	APPLICANT'S & OBJECTORS' ANSWERS:-
<i>From the boundary line, how far is the boundary to the park?</i>	<i>The objector advised that the dragon trail's closest point is approximately 15 meters, and the initial site is approximately 250 meters from the</i>

	<i>boundary line.</i>
<i>The objector suggested screening the catering area however, this was not proposed. Would the applicant like to respond to the objectors' points raised?</i>	<i>The applicant advised that the containers for catering purposes included covered seating and were not shown accurately, nor was recent imaging on Google Maps.</i>
<i>Could the objector confirm, was there a playing field nearby their property?</i>	<i>The objector confirmed that there was a playing field near the objector's property.</i>
<i>The objector raised concerns regarding the proposed operating hours during the school holidays, and the entrance of the premises on the B1027, a z-bend where parts of the road are narrow. The objector also raised concerns regarding increased anti-social behaviour with the sale of alcohol. Would the applicant like to respond to the objector?</i>	<i>The applicant reiterated their steps outlined previously and advised that they would take full responsibility, as a result of selling alcohol on the premises.</i>
<i>Had ECC Highways made any objections to the application?</i>	<i>The Licensing Manager confirmed that no objections had been received from ECC Highways.</i>

The Chairman (Councillor J Henderson) adjourned the meeting at this time whilst the Sub-Committee retired to deliberate and reach its decision. The Head of Legal Services (Linda Trembath), Litigation Lawyer (Sarah Opene) and Leadership Support Officer (Emma Haward) retired with the Sub-Committee in case they were asked to assist Members in those deliberations.

The Sub-committee heard from the applicant, Susie Marsden on behalf of Wyvernwood Limited and from three objectors, James Folger, Dave Wendham and Ernie Osborne. Having heard the parties, and listened to both the applicant and the objectors, the Sub-committee were pleased to note that the applicant had spoken to a number of the objectors and has modified the application in ways that have re-assured the majority of the objectors, addressing those objections that related to the four licensing objectives.

Other objections had been raised however, did not relate to the licensing objectives and were therefore not within the remit of the Sub-committee.

Upon resuming the meeting following deliberations, the Sub-Committee unanimously:-

RESOLVED that, accordingly, and bearing in mind the promotion of the four licensing objectives, the premises licenses be granted subject to the following conditions: -

1. to grant a premises' licence for the specified area of the park known and described as "the Castle Grounds" with the following conditions;
2. that except for named events, the opening hours will be those of the "normal trading hours" namely 10.00 am to 5 pm;
3. For Hallowe'en, i.e. 25 October to 1 November annually, to be open for the sale of alcohol between the hours of 10.00 am and 9 pm;

4. And for the Christmas period, i.e. between the 23 November and 25 December annually to open for the sale of alcohol between the hours of 9 am and 9 pm.

These conditions would be confirmed to the parties in writing within seven days.

There is a right of appeal to the Magistrates' Court and further details will be provided with the decision referred to above.

The meeting was declared closed at 12.54 pm

Chairman