

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am on
Wednesday, 22nd February, 2017 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor D Hugill

Councillor R Kirk

LAHP.21 **APPLICATION FOR THE GRANT OF PREMISES LICENCE - THE POTTING SHED,
78-79 HIGH STREET, NORTHALLERTON DL7 8EN**

Northallerton South

The Director of Law and Governance submitted a report seeking consideration of an application for a Premises Licence in respect of The Potting Shed, 78-79 High Street, Northallerton. The application sought to authorise the sale of alcohol for consumption on and off the premises, the performance of live music, the playing of recorded music and the provision of late night refreshment.

Alternative options considered:

The Panel considered the options outlined in paragraph 7.2 of the officer's report and concluded that it would not be appropriate to reject the application or to grant the application as applied for. The Panel was satisfied that the modifications proposed by the applicant prior to the hearing would address the concerns raised and sufficiently promote the licensing objectives.

The reason for the decision:

The Panel considered the relevant representations of the parties both written and oral, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

The Panel noted that the application had initially attracted three representations. However, one representation was withdrawn prior to the hearing and was therefore not considered by the Panel. The Panel considered two representations from 'other persons' relating to the potential adverse effects on the prevention of public nuisance licensing objective. The Panel noted that no representations had been made by any of the responsible authorities. The Panel also noted that neither of the objectors had attended the hearing to elucidate their concerns and therefore the written representations were considered in their own right. Both of the representations raised concerns in relation to noise emanating from the outdoor areas of the premises late at night. One representation raised concerns in relation to live and recorded music being played late at night at the premises.

The Panel considered the likelihood of the outdoor areas being a source of public nuisance and it was satisfied that the noise emanating from customers in the open air until 1.30am would have a likely adverse effect on the licensing objectives. The Panel noted that, prior to the hearing, the applicant had offered to modify the operating schedule by prohibiting the use of the outdoor areas between 11pm and 8am. The Panel noted that the objectors were concerned about the hours during which the outdoor areas may be used and it was satisfied that the modified hours would sufficiently address the concerns raised.

The Panel considered the potential adverse effects caused by the performance of live music and the playing of recorded music between the hours of 10am and 1am. One objector had raised concerns in this regard. The Panel noted that, prior to the hearing, the applicant had offered to modify the operating schedule by setting the terminal hour for live music at 9pm. The Panel also noted that live and recorded music does not generally require a licence between the hours of 8am and 11pm and therefore any conditions relating to live or recorded music during these hours would have no effect. The Panel was satisfied that the applicant's proposed modification would sufficiently address the concerns raised. The Panel was also satisfied that the playing of recorded music would be unlikely to have any significant adverse effects but noted that the licence would be subject to review in the event of any failure to promote the licensing objectives.

THE DECISION:

The Panel resolved to grant the application for the premises licence subject to the following modifications:-

- 1) No external areas of the premises shall be used between the hours of 11pm and 8am.
- 2) The terminal hour for live music shall be 9pm every day.

The licence will also be subject to any relevant mandatory conditions and any appropriate conditions consistent with the applicant's operating schedule.

The meeting closed at 10.30 am

Chairman of the Panel