

Minutes of the meeting of the LICENSING AND  
APPEALS HEARINGS PANEL held at 12.30 pm  
on Monday, 4th September, 2017 at Main  
Committee Room, Civic Centre, Stone Cross,  
Northallerton

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Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor D Hugill

LAHP.13 **EXCLUSION OF THE PUBLIC AND PRESS**

**THE DECISION:**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded for the period of the meeting during which CCTV footage was shown as part of the Panel's consideration of the item of business at minute no LAHP.13 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.14 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - ROSE AND CROWN, MAIN STREET, SUTTON ON THE FOREST**

Huby Ward

The Director of Law and Governance submitted a report seeking consideration of an application to vary a Premises Licence in respect of the Rose and Crown, Main Street, Sutton on the Forest ("the premises").

The application sought to authorise:

- (a) the performance of plays between the hours of 11am and midnight every day;
- (b) the performance of live music between the hours of 11am and midnight every day;
- (c) the playing of recorded music between the hours of 11am and midnight every day;
- (d) the performance of dance between the hours of 11am and midnight every day;
- (e) entertainment of a similar description between the hours of 11am and midnight every day;
- (f) the provision of late night refreshment between the hours of 11pm and midnight every day;

- (g) the sale of alcohol between the hours of 11am and 1am every day; and
- (h) the new premises plans which includes the use of external areas for licensable activities and the use of a servery hatch at the rear of the building for the sale of alcohol.

All parts of the application were for the Panel to determine.

**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 granting the licence subject to modifications would address the concerns raised and adequately 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 applicant's representative (Mr Willetts) indicated that in order to alleviate the concerns of residents he would welcome a decision from the Panel to grant the licence at reduced hours as follows:

Sale of alcohol

Sunday to Wednesday 11am to 11pm;  
Thursday 11am to 11.30pm;  
Friday and Saturday 11am to 1am.

Regulated Entertainment

Sunday to Thursday 11am to 11pm;  
Friday and Saturday 11am to midnight.

Late Night Refreshment

Thursday 11pm to 11.30pm;  
Friday and Saturday 11pm to midnight.

Opening hours

Sunday to Wednesday 11am to 11.30pm;  
Thursday 11am to midnight;  
Friday and Saturday 11am to 1.30am

Mr Willetts also proposed a restriction on the use of the external areas of the premises for the purposes of live music performances to a maximum of two occasions a year occurring only between 1<sup>st</sup> May and 1<sup>st</sup> September between the hours of 11am and 8pm. In addition, the Mr Willetts proposed that the use of the service hatch to the rear of the building would be limited to between the hours of 11am and 9pm. The Panel considered Mr Willetts' proposals and acknowledged the attempt to minimise the potential adverse effects on the licensing objectives. The Panel noted that live music between the hours of 8am and 11pm was exempt from licensing requirements in any workplace and therefore the restrictions proposed by Mr Willetts would not supersede statutory provisions. Mr Willetts informed the Panel that it was his intention to work with residents to ensure that their concerns were alleviated.

The Panel considered written and oral representations in support of the application from residents who informed the Panel that the premises was listed as an asset of community value and that the proposed variation was intended to enhance the viability of the business thereby protecting the asset against financial uncertainty. The Panel noted that the application must be considered in light of any likely effect on the promotion of the licensing objectives and concluded that the financial viability of the premises and its listing as an asset of community value were not relevant considerations for the purposes of determining the application.

The Panel gave appropriate weight to representations from one responsible authority, one Ward Councillor and ten local residents relating to all four of the licensing objectives, namely; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In general the representations related to noise, anti-social behaviour, traffic congestion, light pollution, smoking and glasses being left on the playing field.

#### Noise

The Panel considered representations relating to noise from regulated entertainment and patrons leaving the premises on foot or by vehicle. The Panel noted that the application sought to authorise the provision of regulated entertainment in both the internal and external areas of the premises. The Panel also noted that the application sought to extend the hours for the sale of alcohol by two and half hours on a Sunday and two hours every other day. The Panel was concerned about the potential adverse effects that the application may have on the prevention of public nuisance objective. The Panel also considered the impact on the protection of children from harm objective in light of the representations.

#### Anti-Social Behaviour

The Panel considered representations relating to two incidents concerning the alleged sale of alcohol to drunk patrons, one of which was the subject of a CCTV recording that was considered by the Panel in private session. The Panel also considered representations relating to the frequent use of foul and abusive language by patrons in the external areas of the premises. The Panel was not satisfied that the representations provided sufficient evidence to demonstrate that alcohol had been served to drunk persons on the premises in question. Furthermore, the Panel was not satisfied that the allegations relating to drunk patrons were reflective of the normal day to day activities within premises. The Panel also noted that the premises was now under new management and that no concerns had been raised about the current regime in relation to the service of alcohol to drunk patrons. The Panel was, however, concerned about the potential impact of the use of bad language by patrons particularly in the external areas of the premises.

#### Vehicular nuisance

The Panel considered representations relating to the reliance on vehicular traffic to transport patrons to and from the licensed premises causing parking issues along Main Street. The Panel noted that it was responsible for considering the application for the variation of the premises licence and could not interfere with the existing arrangements. The Panel noted that licensable activities were currently authorised until 11pm and the Panel was satisfied that any congestion after 11pm would be unlikely to cause significant problems. However, the Panel was concerned that the noise generated by vehicular traffic late at night may have an adverse effect on the prevention of public nuisance objective.

Light pollution

The Panel considered representations relating to light pollution that, according to objectors, was likely to be caused by the late night use of the external areas. The Panel was satisfied that the use of the external areas late at night had the potential to cause adverse effects and the use of any additional lighting may contribute to such an impact.

Smoking

The Panel considered representations relating to the nuisance caused by patrons smoking in the external areas of the premises. The Panel noted that it was responsible for considering the application for the variation of the premises licence and could not interfere with the existing arrangements. However, the Panel was satisfied that the proposed variation may exacerbate any existing concerns in this regard.

Glasses on the playing field

The Panel considered representations relating to glasses from the licensed premises being taken onto the adjacent playing fields. The Panel noted that it was responsible for considering the application for the variation of the premises licence and could not interfere with the existing arrangements. However, the Panel was satisfied that the proposed variation may exacerbate any existing concerns in this regard.

The Panel attached appropriate weight to the representations and was satisfied that the licensing objectives would be adequately promoted by modifying the hours for licensable activities and imposing conditions restricting the use of the external areas of the premises for regulated entertainment (except where a legislative exemption applies) and the consumption of alcohol.

**THE DECISION:**

The Panel resolved to grant the application for the variation of the Premises Licence subject to the following modifications:-

Sale of alcohol

Sunday to Wednesday 11am to 11pm;  
Thursday 11am to 11.30pm;  
Friday and Saturday 11am to midnight.

Regulated Entertainment

Sunday to Thursday 11am to 11pm;  
Friday and Saturday 11am to midnight.

Late Night Refreshment

Thursday 11pm to 11.30pm;  
Friday and Saturday 11pm to midnight.

Opening hours

Sunday to Wednesday 11am to 11.30pm;  
Thursday 11am to midnight;  
Friday and Saturday 11am to 12.30am

The Panel also resolved to impose the following condition:-

No external areas of the premises shall be used for the provision of regulated entertainment or the consumption of alcohol between the hours of 9pm and 11am on Sunday to Thursday and between the hours of 10pm and 11am on Friday and Saturday.

The meeting closed at 3.30 pm

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Chairman of the Panel