

Present

Councillor M A Barningham  
K G Hardisty

Councillor M Taylor

LAHP.2 **ELECTION OF CHAIRMAN**

**THE DECISION:**

That Councillor M Taylor be elected Chairman for the duration of the meeting.

(Councillor M Taylor in the Chair)

LAHP.3 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE TANNERY, 4 THE ARCADE, GREAT AYTON TS9 6BW**

Great Ayton Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for the variation of a premises licence in respect of The Tannery, 4 The Arcade, Great Ayton, TS9 6BW. The application sought to extend the licensable area to the front of the premises to accommodate an external seating area. The application indicated that the consumption of alcohol would not be permitted in the external areas after 9.30pm each day. The application also sought to remove a condition which required all external doors to be kept closed except for access and egress.

**Alternative options considered:**

The Panel considered the options in paragraph 7.2 of the officer's report. The Panel was satisfied that the licensing objectives were not likely to be adversely affected by the proposed licensable activities provided that appropriate conditions were imposed. Therefore, the Panel concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel considered the written representations of all parties, oral representations of the applicant, North Yorkshire Police and Great Ayton Parish Council, 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 police had made representations in relation to anti-social behaviour and noise nuisance, two local residents had made representations in respect of noise nuisance and the Parish Council had made representations in relation to interference with an adjacent thoroughfare.

The applicant informed the Panel that he has a lot of experience in managing licensed premises having worked for a number of years as an area manager for a large public house company before starting his own independent micro-pubs. Since the Tannery opened eight months ago he has developed good relationships with local residents,

customers and licensed and un-licensed businesses. The applicant informed the Panel that the Tannery has not received any direct complaints from the police or the local authority and that the application to vary the licence has not received any representations from environmental health.

The applicant informed the Panel that the Tannery's customer base was aged mid-20s to early 30s and older. The applicant told the Panel that he has received a high number of requests from customers to be able sit outside and that the business is seeking to attract new customers such as dog walkers and cyclists.

The applicant informed the Panel that the premises is a micro-pub specialising in craft beer which is priced reasonably in the market and does not offer drinks promotions.

The applicant explained to the Panel that the external area would seat approximately 12 people at three tables of four with space for up to a further eight people standing. The applicant informed the Panel that the premises would install a clear boundary feature such as planters to clearly delineate the perimeter of the external area. The applicant also informed the Panel that he would be happy to agree to ensure the storage of the table and chairs after the external area was closed. The applicant informed the Panel that all staff would be trained on how to manage and close down the external area. The applicant also explained that he would display signage to encourage customers to be respectful of local residents and that the area would be covered by CCTV.

The applicant informed the Panel that the request to remove the condition to keep all external doors closed was intended to make it easier for customers to access the external area while carrying drinks. The applicant explained that the internal area seats between 20-30 people.

The applicant told the Panel that in the locality of the premises there are between 5 and 15 youths who use the Arcade as a place in which to congregate. The applicant told the Panel that the youths are not being abusive or threatening towards the customers or staff of the Tannery but their presence can be perceived as intimidatory. The applicant told the Panel that he has informed the police about youths congregating in the area and the police advised the applicant to report everything. The applicant informed the Panel that the premises had recently installed a mosquito device which creates a high-pitched noise which is only audible to young people (up to the age of 25). The applicant explained that the idea to install the device had received support from the police. However the applicant indicated that he only wanted to use the device on the occasions where there were instances of intimidation. The applicant informed the Panel that he believed that the presence of adults in the external area may serve to reduce the anti-social behaviour of young people in the locality.

The Panel considered representations from North Yorkshire Police who informed the Panel that the police had received a number of calls about youths congregating in the Arcade. The police expressed concerns that customers using the external area may be intimidated by youths in the locality resulting in the police receiving a higher number of calls about anti-social behaviour. The police made reference to its own incident report logs for the area and indicated that five of the six reports of anti-social behaviour were made between 6.00pm and 9.00pm and therefore it could only support the use of the external area until 6.00pm. The police informed the Panel that anti-social behaviour was not directly linked to the premises. However, the police would expect that the use of the external area would encourage youths to intimidate customers of the premises. The police acknowledged that the applicant is proactive in addressing anti-social behaviour issues.

The Panel noted that the licensing regime cannot be used to control activities outside of its remit. The Panel was only concerned with any potential adverse effects likely to be caused by licensable activities. The Panel was not satisfied that anti-social behaviour in the locality had any direct link with the carrying out of licensable activities at the premises.

The Parish Council informed the Panel that it believes the business was a success and that its concern regarding the introduction of an external area to the premises would be the potential interference with the public using the thoroughfare which runs adjacent to the external area. The Parish Council told the Panel that the existing thoroughfare is narrow and that the proposed external area would limit public access further. The applicant informed the Panel that the external area would leave more than a path's width (approximately 1.5 - 2 meters) for the public to pass through the thoroughfare. The Panel was satisfied that the proposed external area was clearly defined on the premises plans and that any extension beyond the defined area could constitute a breach of the licence, which could be addressed accordingly if necessary. The Panel was satisfied that due to the size of the external area, the thoroughfare would not be so impinged to have an adverse effect on the licensing objectives.

The Panel considered representations from local residents in relation to potential noise nuisance emanating from the external area and from inside the premises if the external door was to be kept open. The Panel was satisfied that the use of the external area was limited by its size to approximately 20 people and that the application only sought to license the use of the external area until 9.30pm. The Panel noted that the external door to the premises faced away from residential properties and was satisfied that noise emanating from inside the premises would have minimal impact on local residents. The Panel was satisfied that the concerns raised in respect of noise could be alleviated by ensuring that the outside area was not in use after 9.30pm, with a condition requiring all tables and chairs to be stored by 9.45pm and with a condition requiring the external door to remain closed from 9.30pm.

The Panel noted that the licence is subject to all relevant mandatory conditions in addition to any conditions consistent with the applicant's operating schedule. The Panel also noted that the premises had not been subject to any complaints.

**THE DECISION:**

The Panel resolved to grant the application and to impose the following conditions:

- (1) the tables and chairs in the external area will be stacked and securely stored by 9.45pm;
- (2) the external area of the premises will be visibly defined in order for customers to clearly identify the perimeter of the licensed area.
- (3) All external doors to the premises shall be kept closed between the hours of 9.30pm and 8.00am except for access and egress.

The meeting closed at 10.55 am

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Chairman of the Panel