

Minutes of the meeting of the LICENSING AND  
APPEALS HEARINGS PANEL held at 9.30 am  
on Friday, 17th January, 2020 at Main  
Committee Room, Civic Centre, Stone Cross,  
Rotary Way, Northallerton, DL6 2UU

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Present

Councillor R Kirk (in the Chair)

Councillor M G Taylor                      Councillor P Thompson

Also in Attendance

Councillor C A Dickinson

LAHP.12 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE BUCK INN, 238  
HIGH STREET, NORTHALLERTON**

Northallerton South Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of The Buck Inn, 238 High Street, Northallerton DL7 8LU. The application sought to authorise the sale of alcohol and the provision of late night refreshment.

**Alternative options considered:**

1. To grant the application as applied for; or
2. To reject the whole or part of the application.

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 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 gave appropriate weight to the representations submitted in relation to concerns in respect of nuisance and anti-social behaviour.

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 the applicant's proposed licensable activities, namely the sale of alcohol.

The Panel was informed that the applicant was responsible for almost 900 premises in the UK and Ireland and that it was an established business with a history of good compliance. The applicant informed the Panel that JD Wetherspoon PLC was a food led business attracting a broad customer base. The Panel noted that the applicant did not seek to authorise any regulated entertainment.

The Panel considered concerns raised in relation to customers using the external area, particularly by smokers after 10.30pm. The Panel was informed that the proposed shelters in the external area would provide some acoustic protection. The Panel was satisfied that the risk of any adverse effects on the licensing objectives would be adequately reduced by the proposed restrictions on consumption in external areas after 10.30pm. The Panel concluded that smokers would be less likely to remain in external areas at times when drinks are prohibited.

The Panel considered concerns about the enforceability of the applicant's proposed conditions. The Panel was satisfied that any breaches could be addressed by the Licensing Authority in accordance with its own enforcement policies. The Panel was also satisfied that the applicant was vastly experienced and had its own complaints procedures in place. Furthermore, the Panel noted that all licences may be subject to review in the event of any failure to promote the licensing objectives.

The Panel considered a number of additional conditions proposed by the applicant. The Panel was satisfied that it was appropriate to impose conditions in order to ensure that the licensing objectives would be adequately promoted. The proposed conditions included the use of CCTV equipment, risk assessments for the provision of door supervisors, the use of an incident recording system, restrictions relating to the sale of alcohol, restrictions on the use of the rear external area and the use of outside refuse receptacles.

The Panel was satisfied that, in the interests of preventing crime and disorder, it was appropriate to require the installation of a colour digital CCTV system with time and date generation. The Panel was satisfied that the recordings should be retained for a minimum of 30 days. The Panel was also satisfied that it was appropriate to require the use of risk assessments to assess the need for the provision of door supervisors and to employ door supervisors in accordance with those risk assessments. The Panel was also satisfied that it was appropriate to impose a condition requiring an incident recording system to be in operation on the premises with such records to be kept for a minimum of 12 months.

The Panel was satisfied that, in order to prevent public nuisance, it was appropriate to impose restrictions on the use of the external area and the disposal of refuse.

The Panel was satisfied that restrictions relating to the sale of alcohol for consumption off the premises would be appropriate for the promotion of the licensing objectives.

The Panel noted that the licence would also be subject to all relevant mandatory conditions in addition to any conditions consistent with the applicant's operating schedule.

**THE DECISION:**

The Panel resolved to grant the application subject to the following conditions:

- (1) a colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises;
- (2) the CCTV system must be capable of providing quality images of good evidential value to be produced in court or other such hearing;
- (3) recordings must be kept for a minimum of 30 days;
- (4) copies of the recordings will display the correct date and time of the recording;
- (5) the premises licence holder will risk assess the requirement for door supervisors and employ door supervisors at such times and in such numbers as required by the risk assessment;
- (6) an incident recording system will be operated at the premises and records from which shall be made available on request to an authorised officer or the police. The system will record the following:
  - All crimes reported to the venue;
  - Any complaints received regarding crime and disorder;
  - Any incidents of disorder;
  - Any faults in the CCTV system;
  - Any refusal of sale of alcohol; and
  - Any visit by a relevant authority of emergency service.Any such record must be kept for a minimum of 1 year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];
- (7) all sales of alcohol for consumption off the premises shall be in sealed containers only except when for consumption in any outside area under the direct control of the premises licence holder;
- (8) there shall be no use of the rear external area of the premises for consumption of food and drink between the hours of 2230 and 0800 daily;
- (9) no refuse, including bottles, shall be placed into receptacles outside the premises between the hours of 2300 to 0800 daily;
- (10) the premises licence holder shall ensure that all staff on the premises have been trained in accordance with the relevant training procedures; and
- (11) the premises licence holder shall operate a "Challenge 21" Policy at all times.

The meeting closed at 10.40 am

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Chairman of the Panel