

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor D Hugill

Councillor R Kirk

LAHP.16 **APPLICATION FOR NEW PREMISES LICENCE - 4 EMGATE, BEDALE**

Bedale

The Executive Director submitted a report seeking consideration of an application for a Premises Licence in respect of 4 Emgate, Bedale, DL8 1AL. The application was for the provision of alcohol sales, the performance of live music indoors and the playing of recorded music indoors.

**Alternative options considered:**

1. To grant the application and impose additional conditions.

The Panel was satisfied that the licensing objectives would be adequately promoted by the conditions consistent with the applicant's operating schedule and therefore it was not appropriate to impose additional conditions.

2. To reject the whole or the part of the application.

The Panel was satisfied that the licensing objectives would be adequately promoted by the conditions consistent with the applicant's operating schedule and therefore it was not appropriate to reject the whole or the part of the application.

**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 considered representations relating to the licensing objective for the prevention of public nuisance. The representations related to concerns regarding noise emanating from the premises as a result from the playing of live or recorded music and as a result of the large front window to the premises. Concerns raised regarding compliance with planning conditions were not considered relevant for licensing purposes.

The Panel was satisfied that the conditions consistent with the applicant's operating schedule (as amended following liaison with the Council's Environmental Health department) would address concerns raised regarding noise nuisance.

The Panel 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 use of the premises as a micro pub in a quiet setting did not pose a significant risk to the prevention of public nuisance objective. The Panel noted the applicant was going to take steps to provide backed seating and soft furnishings in the front window to limit noise emanating through the glass and that this would promote the prevention of public nuisance objective.

**THE DECISION:**

The Panel resolved to grant the application as applied for (subject to any conditions consistent with the applicant's operating schedule).

**LAHP.17 EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.16 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.18 CONDUCT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

All Wards

**The subject of the decision:**

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant ("Mr J").

**Alternative options considered:**

The Panel concluded that it was not necessary to refuse the application because the applicant was a fit and proper person to hold a licence.

**The reason for the decision:**

The Panel considered the Executive Director's report, Mr J's application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for Mr J, oral and written representations from Mr J, a character reference submitted on behalf of Mr J, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel reached the following conclusions:

- The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr J and was satisfied that the offences relating to dishonesty and violence were relevant for the purposes of determining an application for a hackney carriage and private hire driver licence. The Panel concluded the convictions against Mr J took place many years in the past.

- The Panel considered the written and oral representations made in respect of Mr J's character since his last conviction in 1994. In particular the Panel considered Mr J's remorse and embarrassment for his criminal history, his representations regarding his reformed character and the importance of being a role model to his family as an upstanding member of society. The Panel noted Mr J's employment history over the last 20 years which consisted of working for individual employers for long stretches of time without incident and gave appropriate weight to this. The Panel noted Mr J was accompanied at the hearing by an existing member of the taxi trade who would employ Mr J should he be successful in his application and appropriate weight was given to this support.

**THE DECISION:**

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied Mr J was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was granted.

The meeting closed at 10.45 am

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Chairman of the Panel