

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing and Appeals Hearings Panel  
22 February 2017

**From:** Director of Law and Governance (Monitoring Officer)

**Subject:** **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE POTTING SHED, 78-79 HIGH STREET, NORTHALLERTON, DL7 8EN**

Northallerton South Ward

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### **1.0 SUMMARY**

1.1 This report asks the Panel to consider an application for the grant of a premises licence in respect of the Potting Shed, 78-79 High Street, Northallerton.

### **2.0 PROCEDURE**

2.1 The procedure for licensing hearings is attached as an Annex to the Agenda.

### **3.0 APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

3.1 The application for the grant of a premises licence was received by the Licensing Team on 22<sup>nd</sup> December 2016 and is attached at Annex A along with a plan of the premises.

3.2 In addition to the statutory responsible authorities, the application was forwarded to Northallerton Town Council and the District Councillors for the Northallerton South Ward.

3.3 Statutory advertisements were also placed in the local newspaper and on the premises to which the application relates.

3.4 In summary, the application seeks to authorise:

- the sale of alcohol for consumption on and off the premises
  - Monday to Saturday 10am until 1am on the following day
  - Sunday 10am until 11pm
- the performance of live music (indoors only)
  - Monday to Saturday 10am until 1am on the following day
  - Sunday 10am until 11pm
- the playing of recorded music (indoors only)
  - Monday to Saturday 10am until 1am on the following day
  - Sunday 10am until 11pm
- the provision of late night refreshment
  - Monday to Sunday 11pm until 1.30am on the following day

### **4.0 PROMOTION OF LICENSING OBJECTIVES**

4.1 The four licensing objectives set out in the Licensing Act 2003 are:-

- the prevention of crime and disorder;

- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

4.2 The Panel must carry out its functions with a view to promoting the licensing objectives.

## **5.0 REPRESENTATIONS**

5.1 No relevant representations have been made by any of the responsible authorities.

5.2 Three relevant representations have been made by 'other persons' and these are attached at Annex B.

5.3 All three representations make reference to the potential adverse effects on the prevention of public nuisance objective caused by the use of the outdoor areas of the premises late at night. Members should note that, in accordance with the applicant's operating schedule, "*no alcohol or hot food shall be supplied for consumption in any external parts of the premises between the hours of 23.00 and 08.00*".

5.4 All three representations also make reference to the potential nuisance caused by live and recorded music.

5.5 The application seeks to authorise live and recorded music between the hours of 10am and 1am from Monday to Saturday and until 11pm on Sundays. However, on 1<sup>st</sup> February 2017, Woods Whur (the applicant's representatives) sent a letter to each of the 'other persons', giving assurances in relation to additional steps that would be taken in order to further promote the licensing objectives. The letter is attached at Annex C and the additional steps include:

- live music will cease at 9pm; and
- the premises will be sound-proofed.

5.6 Members should note that live and recorded music between the hours of 8am and 11pm does not require authorisation where it is:

- in the presence of an audience of no more than 500 people music; and
- on premises authorised to sell alcohol for consumption on the premises

5.7 On 1<sup>st</sup> February 2017, the applicant's representatives provided the council with some additional information (attached at Annex D) as follows:

- plans showing the furniture at the premises;
- the most recent menu from existing trading units; and
- internal photographs from existing trading units.

## **6.0 POLICY CONSIDERATIONS**

6.1 In carrying out its licensing functions the Panel is required to have regard to:-

- its Licensing Statement;
- any guidance issued by the Secretary of State.

6.2 Part 5 of the council's Licensing Act 2003 Policy relates to premises licences and is attached at Annex E.

6.3 Pages 55-62 of the Home Office Guidance issued in March 2015 under section 182 of the Licensing Act 2003 are attached at Annex F.

## **7.0 DETERMINATION BY THE PANEL**

7.1 The Panel must, having had regard to the representations, take such of the steps mentioned in 7.2 as it considers appropriate for the promotion of the licensing objectives.

7.2 The steps are:-

- to grant the licence as applied for (subject to any conditions consistent with the applicant's operating schedule);
- to grant the licence subject to any modified conditions that Members consider appropriate for the promotion of the licensing objectives;
- to reject the whole or part of the application.

7.3 If the Panel decides to grant the licence, any mandatory conditions listed in paragraph 5.20.2 of the council's policy (see Annex E) must be imposed except where the activity to which the condition relates is not authorised by the licence.

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hambleton District Council's Licensing Act 2003 Policy  
Guidance issued under section 182 of the Licensing Act 2003

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