

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 10.30 am on Tuesday, 5th February, 2019 at Main Committee Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor N A Knapton

Councillor A Wake

LAHP.27 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE, POOR HOUSE, 105 HIGH STREET, GREAT AYTON**

Great Ayton 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 Poor House, 105 High Street, Great Ayton. The application sought to authorise the sale of alcohol for consumption on the premises from 12pm to 11pm on Monday to Thursday; 12pm to 11.30pm on Friday and Saturday and 12pm to 10.30pm on Sunday. The application also sought to authorise the provision of late night refreshment from 11pm to 11.30pm on Friday and Saturday.

Alternative options considered:

The Panel considered all of the options outlined 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 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 noted that the Council's Environmental Health Officer submitted a representation against the application outlining to the potential adverse effects on the public nuisance objective as a result of expected noise levels generated by customers using the external area of the premise.

The Panel noted that the applicant and the Environmental Health Officer had been in discussion during the consultation period, at which time three licence conditions had been agreed. The Panel noted that the applicant did not seek to authorise regulated entertainment and therefore the conditions agreed between the applicant and the Environmental Health Officer would have no effect and would not be appropriate.

The Environmental Health Officer informed the Panel that, due to the location and layout of the external area of the premises, noise such as people's voices and laughing emanating from the external area is likely to be audible at nearby residential properties.

The Panel noted that the Environmental Health Officer suggested that 8.00pm would be an acceptable time to cease use of the external area to enable residents to enjoy their properties without disturbance. The Environmental Health Officer stated that 6.00pm would be his preferred terminal hour for the external area but concluded that 8.00pm would strike a balance between supporting a local business and satisfying the public nuisance objective.

The Panel noted that there was a gate to the rear of the external area providing access to and from the High Street. The applicant informed the Panel that she was seeking to attract cyclists and dog walkers through use of the external area of the premises. The Panel noted that the High Street was a mainly commercial area and well-used route for traffic throughout the day and to a lesser extent in the evening.

The Environmental Health Officer informed the Panel that he had spoken with the occupants of the nearest residential properties to the premises who had expressed concern over the application. The applicant told the Panel that she had spoken with local residents, including those nearest the premises, who expressed their support for her business.

The Panel noted that whilst both the Environmental Health Officer and the applicant had recalled speaking with residents no formal objection had been received by any local residents, the Parish Council or Ward Members. The Panel noted that three residents from Great Ayton had written letters in support of the application.

The Panel noted that it was required to reach a decision based solely on the promotion of the licensing objectives. The Panel acknowledged that conditions could only be imposed where appropriate and there was no power to impose a condition that was merely aspirational. The Panel concluded that, while noise emanating from the external area of the premises, may be heard at nearby residential properties, it was not satisfied that this was likely to have an adverse effect until after 10.00pm.

The Panel was satisfied that restricting the use of the gate to the rear of the external area for customers accessing and egressing the premises after 8.00pm and ceasing use of the external area at 10.00pm would ensure the promotion of the prevention of public nuisance objective.

The Panel noted that the licence would be 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 licence may be subject to review in the event of a failure to adequately promote the licensing objectives.

THE DECISION:

The Panel resolved to grant the application as applied for subject to the following conditions:

- No external areas of the premises shall be used between the hours of 10.00pm and 10.00am.
- Access and egress via the rear gate of the external area shall be restricted between the hours of 8.00pm and 10.00am.

- An adequate and appropriate supply of first aid equipment must be available on the premises at all times when members of the public are present.
- The premises licence holder shall ensure that, at all times when licensable activities are being carried out, there is at least one competent person present on the premises to administer first aid.
- No unaccompanied person under the age of 16 years shall be permitted on the premises between the hours of 6.00pm and 10.00am.

The meeting closed at 11.40 am

Chairman of the Panel