

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am
on Tuesday, 9th July, 2019 at Council
Chamber, Civic Centre, Stone Cross, Rotary
Way, Northallerton, DL6 2UU

Present

Councillor R Kirk (in the Chair)

Councillor M Taylor

Councillor A Wake

Also in Attendance

Councillor C A Dickinson

LAHP.4 **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, WORSALL
VILLAGE HALL, 3 CHURCH LANE, WORSALL, TS15 9QB**

Appleton Wiske and Smeatons Ward

The subject of the decision:

The Director of Law and Governance submitted a report seeking consideration of an application for a variation of a premises licence in respect of Worsall Village Hall, 3 Church Lane, Low Worsall TS15 9QB.

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 noted that a licence was already in force pertaining to Worsall Village Hall. The existing licence authorised the sale of alcohol and various forms of regulated entertainment. The variation application was submitted on 21 May 2019 and sought to extend the licensable area, to extend the hours for licensable activities, to include the provision of late-night refreshment and to remove six conditions imposed on the existing licence.

The Panel noted that, prior to the hearing, the applicant had indicated that no regulated entertainment would be permitted in the external areas of the premises. Accordingly, the Panel was satisfied that any concerns relating specifically to outdoor entertainment would be alleviated. The Panel also noted that live and recorded music may be carried out without authorisation under certain circumstances in accordance with statute.

The Panel noted that 14 local residents made representations against the proposed variation. The representations related to expected noise levels (particularly in the external areas), car parking issues and anti-social behaviour. The Panel noted that no complaints had been made to the licensing authority or the Council's Environmental Health Service in respect of any issues caused by licensable activities.

The applicant informed the Panel that the premises were managed by a committee made up of volunteers. The applicant explained that the premises were used for different types of private bookings and that income from bookings was used to cover the running costs of the hall. The Panel noted that it was required to consider the likely effect that the proposed activities would have on the licensing objectives. The Panel was satisfied that the financial viability of a licensed premises was not a relevant consideration in determining the application.

The applicant told the Panel that the management committee controls the type of events that are booked in order to reduce the risk of noise nuisance to local residents. However, the Panel was also informed by the applicant that the applicant has no control over the guests who attend the bookings.

The Panel was informed by the applicant's previous booking secretary that she had not received any complaints from local residents in respect of events held at the premises.

The Panel considered representations made by local residents in relation to car parking, noise nuisance from music being played at the premises, nuisance caused by people in the external areas of the premises and litter.

The residents of a neighbouring property also raised concerns regarding damage caused to external lights to the front of their premises. The Panel noted that the incident could not be directly linked to a particular event at the premises and that the neighbour could not be sure whether or not the damage had been caused deliberately.

One local resident indicated that the applicant had impliedly admitted a breach of the existing licence by insisting that the variation was only intended to match the current operation practice. The Panel was satisfied that activities outside the terms of the licence had previously been authorised by way of temporary event notices and that the variation was intended to dispense with the requirement to obtain temporary authorisation for some events. The Panel was satisfied that there was no evidence of any breaches of the existing licence.

The Panel was concerned that extended operating hours for regulated entertainment would have an adverse effect on the prevention of public nuisance objective. The Panel was also concerned that the sale and consumption of alcohol in the external areas would be likely to have an adverse effect late at night. The Panel therefore concluded that appropriate measures should be imposed to restrict the use of the external areas and to limit the hours for regulated entertainment.

The application sought to remove six conditions from the existing licence and the Panel was satisfied that most of these conditions were unnecessary and would be adequately controlled by other obligations imposed on the licence holder. However, the Panel was

satisfied that, in order to prevent public nuisance, doors and windows should remain closed (except for access and egress) when regulated entertainment is being carried out.

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 licence would be subject to review in the event of any failure to adequately promote the licensing objectives.

THE DECISION:

The Panel resolved to refuse to extend the hours for live and recorded music.

The Panel resolved to grant the remainder of the application subject to the following modifications:

- (1) no regulated entertainment shall be carried out in any external areas of the premises;
- (2) except for access and egress, all external doors and windows shall remain closed while regulated entertainment is being carried out; and
- (3) sale and consumption of alcohol in the external areas is prohibited after 11.00pm.

The meeting closed at 11.00 am

Chairman of the Panel