

Present

Councillor P Thompson  
A Wake

Councillor D Watkins

LAHP.1 **Election of Chairman**

**The decision:**

That Councillor P R Thompson be elected Chairman for the duration of the meeting.

(Councillor P R Thompson in the Chair)

LAHP.2 **Application for the Variation of a Club Premises Certificate Great Ayton Working Men's Club, Whinstone View, 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 the variation of a premises licence in respect of Great Ayton Working Men's Club, Whinstone View, Great Ayton, TS9 6AT. The application sought to extend the licensable area by the addition of two external areas on the premises plans attached to the club premises certificate. The applicant proposed to make a smoking area available for use between the hours of 11am and Midnight, and a beer garden available for use between the hours of 11am and 10pm.

**Alternative options considered:**

The Panel considered all of the options in paragraph 8.2 of the officer's report.

The Panel was satisfied that the applicant's proposals would be likely to have an adverse effect on the licensing objectives and therefore it was not appropriate to grant the application as applied for. However, the Panel was satisfied that appropriate conditions could be imposed to adequately promote the licensing objectives and therefore it was not necessary to reject the application in its entirety. Accordingly, the Panel concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel considered the written representations of all parties, 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 The Panel noted that one of the representations annexed to the officer's report had been withdrawn prior to the hearing.

The applicant's representative informed the Panel that the applicant sought to provide a service in the external areas of the club premises. The Panel noted that the external areas were not included in the existing premises plans and therefore external consumption was not currently permitted due to a condition prohibiting the removal of drinks from the premises in open containers.

The Panel noted that the applicant had made assurances in relation to CCTV, regular glass collections and noise management in order to reduce any adverse impacts resulting from the proposed variation.

The Panel acknowledged that other local licensed premises are authorised to make use of external areas, but each application must be considered on its individual merits with a view to adequately promoting the licensing objectives.

The Panel considered representations in relation to children congregating around the club premises. However, the Panel was not satisfied that the existing concerns in this regard could be directly attributed to the club and, in any case, they would be unlikely to be exacerbated by the applicant's proposals.

The Panel considered representations relating to anti-social behaviour. The Panel noted that none of the responsible authorities, including North Yorkshire Police, had raised any objections in this regard. The Panel also noted that there was no significant history of complaints in relation to the club.

The Panel was satisfied that any issues of anti-social behaviour from members and guests could be appropriately managed by the club in line with operating schedule and the conditions attached to the club premises certificate. The Panel noted that the certificate could also be subject to review in the event of any issues in relation to anti-social behaviour resulting from the club's activities.

The Panel considered representations relating to beer glasses being discarded around the premises. The Panel was satisfied that this not only created a public nuisance but also posed a public safety risk. The Panel noted that the applicant had committed to undertaking regular glass collections. However, the Panel was satisfied that further action would be necessary to mitigate against the risks involved with glassware being discarded outside the beer garden (for example, in and around the neighbouring domestic properties). The Panel noted that, during the hearing, the applicant's representative had expressed a willingness on behalf of the club to adopt a 'no glassware' condition. The Panel concluded that such a condition should be imposed on the club premises certificate to prohibit the use of glass containers in any external areas of the club premises.

The Panel noted that the club is located in a residential area and the nearest residential properties on Cleveland Street are only a short distance from the grassed area on which the proposed beer garden was to be situated.

The Panel noted that the council's Environmental Health Service had not raised any objections in relation to noise or any other public nuisance. However, the Panel was concerned about the close proximity of the residential properties to the proposed beer garden and, having regard to the representations from local residents, it was satisfied on the balance of probability that the consumption of alcohol in that area until 10pm each day would be likely to have an adverse effect on the public nuisance objective. The Panel was not satisfied that the introduction of a noise management policy as proposed by the applicant would adequately address these concerns.

Accordingly, the Panel concluded that the proposed beer garden should only be used for the consumption of alcohol between the hours of 12pm and 6pm each day. The Panel once again noted that the club premises certificate may be subject to review if problems associated with the licensing objectives occur after the variation of the club premises certificate.

Having considered the representations relating to the proposed smoking area, the Panel was satisfied that the consumption of alcohol in that area until Midnight each day would be likely to have an adverse effect on the public nuisance objective. The Panel concluded that, with the mitigating measures offered by the applicant, the area could be used for alcohol consumption between the hours of 12pm and 10pm each day.

**The decision:**

That the club premises certificate be varied to amend the premises plans as proposed subject to additional conditions as follows:

- All external areas of the club premises shall be covered by the CCTV system in operation.
- No alcohol shall be supplied for consumption in the external area marked in yellow on the premises plans between the hours of 6pm and 12pm (Noon) each day.
- No alcohol shall be supplied for consumption in the external area marked in green on the premises plans between the hours of 10pm and 12pm (Noon) each day.
- The club shall ensure that no glass containers are used by members or guests for consumption in any external areas of the premises.
- The club shall ensure that all drinks containers are regularly collected from any external areas of the club premises.

- A noise management policy will be introduced to prevent excessive speech, noise or singing.
- A logbook will be kept of all noise monitoring carried out, all noise related complaints, the findings and any remedial action taken. The log will indicate whether it was routine noise monitoring or the result of a complaint. The log will be made available for inspection by the licensing authority or environmental health responsible authority.
- Prominent display notices will be erected asking members to keep noise to a minimum.
- No person under the age of 18 years will be admitted to any external areas of the club premises unless they are accompanied by an adult member.

The meeting closed at 10.30 am

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Chairman of the Panel