

Present

Councillor P Thompson  
A Wake

Councillor D Watkins

LAHP.3 **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.4 **Application for the Grant of a Premises Licence Velveteen Rabbit Luncheon Club, 1 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 the grant of a new premises licence in respect of The Velveteen Rabbit Luncheon Club, 1 High Street, Great Ayton. The application sought to authorise the sale of alcohol for consumption on and off the premises between the hours of 8.30am and 11pm Monday to Saturday; between the hours of 8.30am and 10pm on a Sunday; and between the hours of 8.30am and 1am on Christmas Eve, Boxing Day and New Year's Eve. The application also sought to authorise the provision of live and recorded music between the hours of 11pm and 1am on Christmas Eve, Boxing Day and New Year's Eve.

**Alternative options considered:**

The Panel considered all of the options in paragraph 7.2 of the officer's report.

The Panel did not consider it necessary to reject the application. The Panel therefore considered whether to grant the application as applied for or to grant the licence subject to additional conditions. The Panel was satisfied that appropriate conditions should be imposed to adequately promote the licensing objectives and therefore 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 applicant informed the Panel that she had been a licence holder for over 10 years and that she understood her obligations and the benefits of working with local residents to reduce any adverse impacts.

The Panel considered representations relating to parking, traffic, late-night noise, excess lighting and anti-social behaviour.

The Panel also noted that concerns had been raised in relation to planning permission. The Panel was satisfied that any premises operating in breach of its planning permission would be liable to prosecution under planning law and therefore the Panel concluded that the applicant would need to ensure compliance in this regard, irrespective of any decision of the licensing authority.

The Panel was informed about existing issues relating to parking and vehicular traffic in the vicinity of the premises. However, the Panel was not satisfied that the existing concerns in this regard could be solely attributed to the premises. The Panel also noted that the licensing authority can only consider matters that relate to licensable activities. The Panel acknowledged that there may be issues surrounding parking and traffic in the area but concluded that any such issues would not be significantly affected by the addition of alcohol sales on these premises.

The Panel considered representations relating to late-night noise from customers and music. The Panel noted that the applicant only sought to authorise regulated entertainment on Christmas Eve, Boxing Day and New Year's Eve. The Panel also noted that it could not seek to regulate any exempt entertainment between the hours of 8am and 11pm.

The Panel was informed that several music events had taken place on the premises in recent months under the authorisation of a temporary event notice and that, on several other occasions, customers had been allowed to bring their own alcohol. The Panel was informed that no previous complaints had been made in this regard. The Panel also noted that none of the responsible authorities had made representations in relation to the application.

The applicant informed the Panel that she did not intend to use the external areas of the premises for alcohol consumption. However, the Panel noted that the applicant sought to authorise the sale of alcohol for consumption both on and off the premises and therefore, without further intervention, the external areas could still be used for alcohol consumption. The Panel concluded that, in order to reduce the likelihood of nuisance from customers, a condition should be imposed to prevent alcohol from being taken outside the premises in open containers for immediate consumption.

The Panel also noted that, in a letter dated 29<sup>th</sup> May 2020, the applicant had assured interested parties that the premises would remain open beyond 9pm on no more than seven days per year. The Panel concluded that it would be appropriate for the prevention of public nuisance to impose a condition to this effect.

The Panel was not satisfied on the balance of probability that the grant of the licence would have an adverse effect on the licensing objectives, provided the aforementioned conditions were imposed along with any appropriate conditions consistent with the applicant's operating schedule.

The Panel noted that the licence may be subject to review in the event of any issues resulting from licensable activities being carried out on the premises.

**The decision:**

That the premises licence be granted as applied for, subject to the following conditions:

- The premises shall not open for the carrying on of licensable activities beyond 9pm on any more than seven days per calendar year. At least seven days prior to opening beyond 9pm on any such occasion, the premises licence holder shall inform the licensing authority in writing.
- Any alcohol supplied for consumption off the premises must be in a sealed container.
- The premises licence shall ensure that all members of staff are subject to effective, ongoing training to understand and promote the licensing objectives and comply with the conditions imposed on the premises licence. Records of training will be documented and made available to the police or other responsible authorities.
- CCTV shall be in operation in all areas of the premises. The CCTV system shall record at all times that the premises are open for licensable activities and recordings shall be stored for a minimum period of 31 days.
- An incident log will be kept on the premises recording any incidents of crime, disorder and refusals of sale. The log will be available for inspection on request by a police officer or other responsible authority.
- The premises licence holder shall ensure that bottle bins are not emptied between the hours of 10pm and 10am.
- Notices shall be displayed requesting customers to respect the neighbours and to leave the premises quietly.

- A challenge 25 proof of age scheme will be in operation at the premises where the only forms of acceptable ID will be a passport, photo driving licence or proof of age card with the pass holographic logo.
- No person under the age of 16 years shall be permitted to enter or remain on the premises unless accompanied by a responsible adult.

The meeting closed at 2.30 pm

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Chairman of the Panel