

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 9.30 am on Tuesday, 1st February, 2022 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor R Kirk (in the Chair)

Councillor K G Hardisty

Councillor D Watkins

LAHP.16 **Application for the Grant of a Premises Licence - The Old Police House, Market Place, Easingwold**

Easingwold 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 premises licence in respect of The Old Police House, Market Place, Easingwold, YO61 3AN. The application sought to authorise:

Sale of alcohol

Sunday to Thursday 12pm (noon) until 11pm

Friday and Saturday 12pm (noon) until midnight

New Year's Eve 12pm (noon) until 2am

Live music, recorded music and entertainment of a similar description

Monday to Sunday 12pm (noon) until 11pm

New Year's Eve 12pm (noon) until 1am

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 or to impose any additional conditions beyond those already contained within the applicant's operating schedule (as amended following consultation with North Yorkshire Police). The Panel 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 Panel noted that, following consultation with North Yorkshire Police, the applicant agreed to implement a number of additional steps to promote the licensing objectives. This included arrangements for CCTV, an incident register, staff training, a Challenge 25 policy and leave quietly notices. The applicant also agreed to allow 'off sales' of alcohol to be made only in sealed containers and to prohibit the disposal of refuse (including bottles) between 10pm and 7am.

The applicant informed the Panel that he did not expect the premises to be frequently used for alcohol consumption only and that the premises would operate as a bistro-style establishment with alcohol being generally offered as an accompaniment to a table meal. Furthermore, the applicant informed the Panel that the proposed entertainment would generally be background music while people eat although there may be occasional live music.

The Panel acknowledged that it was required to consider the application in terms of any likely adverse effects from the sale of alcohol and the provision of regulated entertainment during the hours sought.

The Panel considered the representations of two interested parties expressing concerns relating to noise, disorder and parking.

In response to those representations, the applicant informed the Panel that the premises did not have a cellar and therefore there should be no concerns over noisy delivery vehicles early in the morning. The applicant also confirmed that, during the consultation period, he had agreed to restrict the hours for the disposal of refuse in order to reduce the likelihood of public nuisance.

The applicant indicated that he was aware of existing instances of antisocial behaviour to the rear of the premises and believed that any individuals involved would be discouraged by the opening of his business and by the implementation of a CCTV system. The Panel noted that the behaviour of those individuals could not currently be attributed to licensable activities on the premises and therefore it would only be able to consider whether or not the proposed activities would be likely to exacerbate any existing issues. In light of the steps taken by the applicant to promote the licensing objectives, the Panel was not satisfied that the proposed activities would be likely to have an adverse effect in this regard.

In relation to the concern over late-night music, the Panel noted that all premises licensed for the sale of alcohol for consumption on the premises can provide live and recorded music without authorisation between the hours of 8am and 11pm in the presence of an audience of up to 500 people. The Panel was therefore satisfied that the proposed entertainment was exempt from licensing but appropriate action could be taken to address any issues in this regard if noise issues arise.

The applicant informed the Panel that, due to the size and nature of the premises, he would not expect a significant increase in the number of vehicles in the area. The Panel noted that the licensing regime cannot be used to control activities outside of its remit. The Panel was only permitted to consider any potential adverse effects likely to be caused by the applicant's proposed licensable activities, namely the sale of alcohol and the provision of regulated entertainment. The Panel noted that potential issues relating to car parking could not be directly attributed to the proposed licensable activities on the premises but, in any case, it was satisfied that any increase in the number of vehicles in the area would be minor.

The Panel was asked to consider the need for another licensed premises in the area. The Panel noted that, whilst commercial demand and other related matters may be considered by the planning authority, they are not relevant considerations for the licensing authority. The Panel acknowledged that, in accordance with statutory guidance, it is limited to consideration of the promotion of the four licensing objectives and cannot consider anything outside those parameters.

Having considered the representations of all parties, the Panel concluded that granting the application would not have an adverse effect on the licensing objectives provided appropriate conditions were imposed.

The Panel considered the applicant's agreement with North Yorkshire Police in terms of the additional steps he intended to take to promote the licensing objectives.

The Panel was satisfied that a condition requiring the implementation of a CCTV system would be appropriate for public safety purposes and for the prevention of public nuisance, crime and disorder. However, the Panel noted that the disclosure of images would need to be considered in line with data protection (often relating to the detection of crime) and therefore the Panel did not consider it appropriate to impose a licence condition in this regard.

The Panel was satisfied that it would be appropriate to impose conditions as agreed relating to an incident register, staff training, a Challenge 25 policy and leave quietly notices in order to reduce the likelihood of disorder and public nuisance. The Panel was also satisfied that a condition prohibiting the disposal of refuse between 10pm and 7am would alleviate concerns relating to noise.

The Panel acknowledged that the applicant had agreed to assess the need for SIA registered door supervisors. However, it was not satisfied that a condition in this regard would have any meaningful effect.

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, in the event of a failure to adequately promote the licensing objectives, the licence could be reviewed by any responsible authority or interested party.

The decision:

The Panel resolved to grant the application subject to the following conditions:

A digital colour CCTV system will be installed at the premises. It will be maintained, working and recording at all times when the premises are open. The recordings should be of capable of providing clear images to be produced in Court or other such hearing. Copies of the recordings will be retained for a minimum period of 28 days. Copies of the recordings will display the correct time and date of the recording.

An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- all crimes reported to the venue
- any complaints received regarding crime and disorder
- any incidents of disorder
- any refusal of sale

with such records being kept for a minimum of one year. For the avoidance of doubt, the one-year period relates to each respective entry in the log book and runs from the date of that particular entry.

A documented staff training programme shall be provided to all members of staff at the premises in respect of the:

- retail sale of alcohol
- age verification policy
- conditions attached to the Premises Licence
- permitted licensable activities and
- the licensing objectives

with such records being kept for a minimum of one year. For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry.

The premises shall operate a Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the premises licence holder).

Prominent, clear and legible notices shall be displayed at all exits to the premises requesting the public to respect the needs of local residents when smoking outside and also to leave the premises quietly.

No refuse, including bottles, shall be placed into receptacles outside the premises between the hours of 10pm and 7am.

All sales of alcohol for consumption off the premises shall be in sealed containers.

The meeting closed at 10.35 am

Chairman of the Panel