

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 11.00 am on
Wednesday, 6th May, 2015 at Meeting Room 3,
Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor Mrs F M Greenwell Councillor Mrs J A Griffiths

Also in Attendance

Councillor A W Hall

LAHP.23 **APPLICATION FOR A VARIATION TO A PREMISES' LICENCE, THE DURHAM OX,
NORTHALLERTON**

The Director of Environmental and Planning Services submitted a report seeking consideration of an application to vary a Premises Licence in respect of the Durham Ox, 157 High Street, Northallerton DL7 8JX.

The initial application submitted on 24 March 2015 sought to:

- (a) make alterations to the premises plans to provide a new external area with an external bar and waitress service;
- (b) make the external area available for the sale of alcohol and the provision of late night refreshment in accordance with the existing hours;
- (c) make the external area available for the provision of recorded music until 10pm each day;
- (d) make the external area available for the provision of live music until 10pm (up to four occasions per year);
- (e) amend an existing condition relating to occupancy levels;
- (f) amend the existing conditions relating to doors and windows during regulated entertainment;
- (g) extend the opening hours.

Upon receipt of representations in relation to live and recorded music in external areas these elements of the application (c) and (d) were withdrawn by the applicant.

At the Hearing, the applicant also withdrew the proposed amendment to Special Condition 10 under Annex 2 of the existing premises licence (f). The condition would therefore remain unchanged. The application still sought to remove the duplicate of the same condition in Annex 3 of the existing premises licence.

All other parts of the application were for the Panel to determine (a, b, e and g).

Alternative options considered:

- (1) To grant the licence subject to any further modified conditions that Members consider necessary for the promotion of the licensing objectives. The Panel was satisfied further additional or modified conditions were not necessary for the promotion of the licensing objectives.
- (2) To reject the whole or part of the application.

The Panel was satisfied that there were no grounds for rejecting the application on the basis of concerns relating to live and recorded music in the external areas as these elements of the application had been withdrawn. The remaining elements of the application had not attracted any demonstrable concerns.

The reason for the decision:

The Panel considered the relevant representations of the parties both written and oral, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003 and the four Licensing Objectives.

The Panel considered the representations relating to the provision of live and recorded music in the external areas. The Panel gave appropriate weight to the representations but it was satisfied that any likely adverse effect had been resolved by the amendments to the application.

THE DECISION:

The Panel resolved to grant the application for the variation to the Premises Licence and to impose the following conditions as agreed by the applicant:

- (1) the external bar area shall be manned at all operational hours in order to provide continuous supervision of the external areas;
- (2) the tables and seating areas externally shall remain as located on the drawing E0315/8145/0.1;
- (3) signage shall be displayed at the entrances to and from the seating area to remind patrons to be considerate to local residents;
- (4) the premises licence holder and/or the designated premises supervisor shall ensure that the self-closers for both the internal and external rear doors of the public house are in working order and the doors are kept closed to prevent noise from internal regulated entertainment transmitting to the rear external area;
- (5) the premises licence holder and/or the designated premises supervisor shall ensure that the windows facing onto the rear external area are kept closed when regulated entertainment is taking place inside the public house;
- (6) during opening hours staff must carry out monitoring of recorded music noise from the premises by periodically walking around the external perimeter and to the boundary of the nearest noise-sensitive premises to determine if the nearest noise-sensitive premises is affected by noise from the premises, and they must keep a written record of their findings and report these to the premises' manager. The manager must set the noise levels for the recorded music according to these findings in order to prevent disturbance to the nearest noise-sensitive premises.

The meeting closed at 12.25 pm

Chairman of the Panel