

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am on
Thursday, 16th July, 2015 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor R Kirk

Councillor C Patmore

Also in Attendance

Councillor A W Hall

LAHP.1 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE, WETHERSPOONS,
78-79 HIGH STREET, NORTHALLERTON DL7 8EN**

Northallerton South

The subject of the decision:

The Executive Director submitted a report seeking consideration of an application for a Premises Licence in respect of Wetherspoons, 78-79 High Street, Northallerton DL7 8EN. The application was for the provision of alcohol sales and late night refreshment at the premises.

Alternative options considered:

1. To grant the application as applied for (subject to any conditions consistent with the operating schedule).

Having considered representations in relation to the above matters, the Panel was not satisfied that the application could be granted as applied for without undermining the licensing objectives.

2. To reject the whole or the part of the application

The Panel was satisfied that the licensing objectives could be promoted by imposing additional conditions and therefore it was not appropriate to reject the whole or the part of the application.

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 and the guidance issued under Section 182 of the Licensing Act 2003.

The Panel gave appropriate weight to representations relating to all four of the licensing objectives, namely; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Less weight was given to representations containing unsubstantiated concerns. Trade competition and market demand were not considered relevant for licensing purposes.

In general, the relevant representations related to the operating hours, the location, size and layout of the premises, patrons leaving the premises, the price of alcohol, the disposal of waste and age verification.

Operating hours

Concerns were raised about the proposed hours for licensable activities and the potential for noise nuisance and antisocial behaviour in the two external areas of the premises. The Panel attached appropriate weight to the representations made in this regard and was satisfied that the licensing objectives would be adequately promoted by imposing a condition restricting the use of the external areas. During the Hearing, the applicant proposed a curfew of 11.30pm but the Panel was satisfied that an 11pm restriction would be appropriate for the prevention of public nuisance.

Location, size and layout

Concerns were raised about the public right of way running through the northern outside area of the premises. There were specific concerns that the potential use of the area, particularly at times when the premises are closed, may lead to antisocial behaviour. The Panel attached appropriate weight to the representations made in this regard and was satisfied that the licensing objectives would be adequately promoted by imposing a condition requiring the furniture to be removed from the northern outside area at 11pm.

Patrons leaving the premises

Concerns were raised about the potential for patrons to contribute towards crime and disorder in the area. The Panel attached appropriate weight to the representations made in this regard but was not satisfied that there would be a likely adverse effect on crime and disorder, provided CCTV cameras were installed and alcohol off sales were not made available for consumption off the premises except in sealed containers. Conditions were imposed accordingly.

Price of alcohol

Concerns were raised about the applicant's alcohol pricing structure. The Panel was satisfied that the mandatory conditions relating to irresponsible drinks promotions would be sufficient to adequately promote the licensing objectives in this regard.

Disposal of waste

Concerns were raised about the noise created by the disposal of glass bottles. The Panel attached appropriate weight to the representations made in this regard and was satisfied that the licensing objectives would be adequately promoted by imposing a condition prohibiting the disposal of waste between the hours of 10pm and 8am.

Age verification

Concerns were raised about the adoption of the Challenge 21 Scheme as opposed to the Challenge 25 Scheme. The Panel attached appropriate weight to the representations made in this regard and was satisfied that the mandatory conditions relating to age verification policies, along with the proposed adoption of the Challenge 21 Scheme, would be sufficient to promote the child protection objective.

THE DECISION:

The Panel resolved to grant the application for the Premises Licence and impose the following conditions:-

- 1) a colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place;
- 2) CCTV cameras shall be installed to provide adequate cover of all public areas in the premises (excluding toilets);
- 3) the CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days;
- 4) North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made;
- 5) it is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or Responsible Authority;
- 6) the cameras which provide identification images should be lit to provide true colour rendering;
- 7) the CCTV system shall contain the correct time and date stamp information;
- 8) the premises shall operate the Challenge 21 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo Card Driving Licence or identification carrying the PASS logo;
- 9) a refusals and an incident report register shall be kept. Such registers will record incidents of staff refusals to under age or drunk people as well as incidents of any antisocial behaviour and ejections from the premises. Such records shall be kept for a minimum of one year;
- 10) no alcohol or hot food shall be supplied for consumption in any external parts of the premises between the hours of 11pm and 8am;
- 11) any alcohol supplied for consumption off the premises must be in a sealed container;
- 12) the disposal of any waste, such as glass bottles, which may cause disturbance to nearby residents, shall not occur between the hours of 10pm and 8am; and
- 13) the furniture in the northern outside area of the premises must be removed from that area and kept in a locked store between the hours of 11pm and 8am.

The meeting closed at 12.35 pm

Chairman of the Panel