

Present

Councillor R A Baker (In the Chair)

Councillor S P Dickins
Mrs F M Greenwell

Councillor K G Hardisty

(An apology for absence was received from Councillor D Blades)

LHP.8 **THE LOCAL GOVERNMENT ACT 1972**

THE DECISION

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at Minute No. LHP.9 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LHP.9 **APPLICATION FOR REVIEW OF PREMISES LICENCE – ASPIRE, 3 MARKET PLACE, THIRSK**

Thirsk Ward

The subject of the decision:

The Head of Regulatory Services submitted a report seeking consideration of an application to review a Premises Licence under the Licensing Act 2003.

Alternative options considered:

The Panel considered all of the written material on the agenda and evidence and submissions at the meeting.

The reason for the decision:

The Panel considered all of the written material and took on board all other evidence.

It was satisfied that noise associated with Aspire, both from within the premises and from people congregating in the vicinity of the premises, had caused and was likely to cause a nuisance to occupiers of the flats above and was therefore adversely affecting the licensing objectives.

It accepted that people who were congregating outside the premises, either having just left or waiting to enter, or simply standing smoking, were not under the direct control of the operators of the venue, but it believed that their presence was directly related to the operation of the premises and the time at which licensed activities were taking place. If the premises were not open then a significant number of the people would not be there.

Notwithstanding any deficiencies in the design of the flats, the noise in the flats was exacerbated by the noise associated with the operation of the premises. It was unreasonable to expect residential occupiers to keep their windows closed at all times. The Panel therefore felt that action needed to be taken to deal with the issue.

The Panel considered whether conditions alone would be sufficient to deal with the problem of nuisance. This had been tried before and the operators had been unable to deal sufficiently with the noise from within the premises or outside. The Panel appreciated the difficulty of dealing with the noise outside, but felt that that should not mean that local residents had to suffer unduly.

The Panel felt the only way of dealing with the nuisance was to restrict the hours of licensed activities. It was mindful of the affect on the business of reducing the hours unduly. It therefore proposed to limit the hours to 9.00am to 1.00am on each day. The Panel thought this was proportionate. New Year's Eve/Day closing would stay at 5.00am.

THE DECISION:

That the Premises Licence be varied as follows:-

- (1) remove licensable activity E. Live Music;
- (2) amend the times for the carrying out of all remaining licensable activities to 09.00-01.00 on every day and 09.00 New Year's Eve to 05.00 New Year's Day;
- (3) amend the opening hours of the premises to 09.00-01.00 on every day and until 05.00 on New Year's Day;
- (4) Special Condition 8 be amended to replace "smoking" with "congregating";
- (5) Special Condition 11(1) be amended to replace "Regency House" with "Regents House"; and
- (6) Special Condition 11(2) be replaced with the following: "The noise limiting device currently installed shall be maintained and operated at noise levels agreed within 2 months by the Council's Environmental Health Section and the premises' Licence holder."

The meeting closed at 5.15pm.

Chairman of the Panel