

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 9th May, 2023 commencing at 12.10 pm.

Councillors Kevin Foster, Tim Grogan and Malcolm Taylor.

Officers present: Anita Huntsman, Simon Fisher and Laura Venn.

Copies of all documents considered are in the Minute Book

1 Election of Chair

The decision:

That Councillor Tim Grogan be elected as Chair for the duration of the meeting.

(Councillor Grogan in the Chair)

2 Apologies for Absence

There were no apologies for absence.

3 Disclosures of Interest

There were no declarations of interest.

4 Procedure for Meeting

The decision:

The Sub Committee agreed the procedure for the meeting as outlined by the Chair.

5 Sedgewell Barn - Application for Grant of Premises Licence

The subject of the decision:

The Corporate Director – Environment submitted a report seeking consideration of an application for the grant of a new premises licence in respect of Sedgewell Barn, Ainderby Steeple. The application sought to authorise live music, recorded music and the sale of alcohol (for consumption on the premises from 8am until midnight every day of the week).

Alternative options considered:

The Sub-Committee considered all of the options as set out in the officer's report. The Sub-Committee did not consider it necessary to reject the application but it was satisfied that additional measures would be required to adequately promote the licensing objectives and therefore concluded that it was not appropriate to grant the application without imposing further conditions.

The reason for the decision:

The Sub-Committee 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 Sub-Committee noted that the applicant had reached an agreement with North Yorkshire Police and the Council's Environmental Health Service in terms of the additional steps that would be taken in order to promote the licensing objectives.

The applicant informed the Sub-Committee that the licensable activities had previously been authorised under temporary event notices and the application for a premises licence was intended to provide a more permanent authorisation whilst ensuring better regulation and greater measures of control.

The applicant indicated that lessons had been learnt from the previous year's activities and significant measures had been implemented to reduce any nuisance or disorder, including the provision of a noise assessment and an event management plan.

The applicant also informed the Sub-Committee that, following liaison with North Yorkshire Police and Environmental Health, none of the responsible authorities had objected to the grant of a premises licence. The applicant confirmed that additional measures had been agreed with the relevant authorities to further promote the licensing objectives, including arrangements for CCTV, an incident register, staff training, the use of a noise-limiting device and the prohibition of outdoor entertainment.

The Sub-Committee considered oral and written representations objecting to the grant of the licence, primarily on the grounds of noise nuisance and anti-social behaviour.

The Sub-Committee acknowledged that it was required to consider the application in terms of any likely adverse effects resulting from the sale of alcohol and the provision of regulated entertainment. Concerns that could not be directly attributed to the provision of licensable activities would need to be addressed by the relevant authorities under primary legislation.

The Sub-Committee noted that a glamping site was not included on the premises plans accompanying the application and therefore the applicant was not seeking to authorise licensable activities in these areas. Accordingly, any concerns of noise nuisance and fire safety risks resulting from unregulated activities on the glamping site would be outside the scope of the application. The Sub-Committee was informed that the concerns of residents had been raised with the relevant authorities in this regard.

The Sub-Committee was also satisfied that the absence of a highway safety plan would not impede the applicant's ability to sell alcohol or provide regulated entertainment responsibly but it noted that concerns relating to traffic away from the licensed premises may be a matter for the planning and highways authorities to consider.

The Sub-Committee was concerned by the experiences of local residents last year when events were held under the authorisation of temporary event notices. The Sub-Committee was satisfied that the provision of regulated entertainment required additional measures to be put in place in order to adequately prevent public nuisance in future.

The Sub-Committee was satisfied that the applicant had acknowledged the need to exercise greater control over the activities being carried on at the premises. The Sub-Committee also appreciated the applicant's engagement with responsible authorities to amend the operating schedule in the interests of promoting the licensing objectives.

The Sub-Committee noted paragraph 9.15 of the Home Office Guidance issued under section 182 of the Licensing Act 2003, which states that it is reasonable for licensing authorities “*to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance*”.

The Sub-Committee noted that, no representations had been lodged by any of the responsible authorities.

The Sub-Committee was grateful to the local residents and the Parish Council for raising their concerns in relation to the application. Although it was not considered necessary to reject the application, the Sub-Committee concluded that many of the concerns raised were justified and that robust licence conditions should be imposed to adequately promote the licensing objectives. The Sub-Committee also noted that all licensed premises are subject to review in instances where the licensing objectives are not being adequately promoted. The Sub-Committee considered concerns over the applicant’s ability to comply with the event management plan and concluded that the powers of review may be exercised if any such failure undermines the licensing objectives.

The Sub-Committee 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 Sub-Committee noted that the disclosure of images would need to be considered in line with data protection requirements (often relating to the detection of crime) and therefore the Panel did not consider it appropriate to impose licence conditions in this regard. The Sub-Committee was satisfied that it would be appropriate to impose conditions as agreed relating to an incident register and staff training.

In order to control the escape of noise, the Sub-Committee was satisfied that doors and windows should remain closed (except for access and egress) when regulated entertainment is taking place and that no regulated entertainment should be provided unless it is transmitted through a noise-limiting device at levels set by the Council’s Environmental Health Service. In order to further reduce any impact on local residents and businesses, the Sub-Committee also concluded that no regulated entertainment should be permitted in any external areas of the premises.

Following the applicant’s confirmation with regards to maximum occupancy levels, the Panel was satisfied that no more than 150 guests should be permitted on the premises at any time.

Having heard representations made in relation to the frequency of events, the Sub-Committee did not consider it necessary to restrict the number of events each year provided the aforementioned conditions were imposed. However, in order to control the impact of licensable activities on any given day, the Sub-Committee was satisfied that no more than one event should take place each day.

The Sub-Committee noted that the licence would also be subject to all relevant mandatory conditions.

The decision:

The Sub-Committee resolved to grant the application to authorise:

- the sale of alcohol for consumption on the premises every day between the hours of 8am and Midnight;

- the provision of live music (indoors) every day between the hours of 8am and Midnight; and
- the provision of recorded music (indoors) every day between the hours of 8am and Midnight

subject to all relevant mandatory conditions and the following additional conditions:

- (i) A digital colour CCTV system shall be in operation, maintained, working and recording at all times when the premises are open for licensable activities. The recordings shall be capable of providing clear images to be produced in Court or any other such hearing. Copies of the recordings shall display the correct time and date of the recording and shall be kept for a minimum period of 28 days.
- (ii) An incident log shall be kept on the premises and made available on request to an authorised officer or the police. The log shall record:
 - all crimes reported to the venue
 - any complaints received regarding crime and disorder
 - any incidents of disorder
 - any refusal of sale of alcohol
- (iii) All incident log records shall be kept for a minimum period of one year and, for the avoidance of doubt, the one-year period relates to each respective entry in the logbook and runs from the date of that particular entry.
- (iv) A documented staff training programme shall be provided to all members of staff at the premises in respect of:
 - The operation of the CCTV system
 - The retail sale of alcohol;
 - The age verification policy;
 - The conditions attached to the Premises Licence;
 - The permitted licensable activities;
 - The licensing objectives; and
 - The opening times for the venue.
- (v) All training records shall be kept for a minimum period of one year and, for the avoidance of doubt, the one-year period relates to each respective entry in the logbook and runs from the date of that particular entry.
- (vi) All doors and windows shall remain closed (except for access and egress) while any regulated entertainment is taking place.
- (vii) No regulated entertainment shall be provided in any external areas of the premises.
- (viii) No regulated entertainment shall be provided unless it is transmitted through a noise-limiting device at levels set by the Council's Environmental Health Service.
- (vix) No more than 150 guests shall be permitted on the premises at any time.
- (x) No more than one event comprising licensable activities shall be held on any day.

The meeting concluded at 2.58 pm.