

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 25 June, 2024 commencing at 2.30 pm.

Councillor Tim Grogan in the Chair and Councillors Andy Paraskos and Kirsty Poskitt.

Officers present: Fiona Casson, Jane Graham, St John Harris and Mark Heaton.

Other Attendees: Ioana Aninaru (applicant), Tony Clarke (JMC Licensing), S Dargue (North Yorkshire Fire & Rescue Service).

The start of the meeting was delayed until 2.40pm.

Copies of all documents considered are in the Minute Book

6 Election of Chair

Resolved

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

(Councillor Tim Grogan in the Chair)

7 Apologies for absence

There were no apologies for absence.

8 Disclosures of interest

There were no declarations of interest.

9 Procedure for Licensing hearings

The procedure was agreed.

10 Application for grant of a Premises Licence for 37 Commercial Street, Norton, Malton, YO17 9HX

The Sub Committee considered a report of the Corporate Director of Environment, the application, plus additional papers previously circulated and copies of representations from interested parties and responsible authority.

The Sub Committee heard from the applicant's representative, the applicant and a representative of North Yorkshire Fire & Rescue Service.

In coming to its decision, the Sub-Committee had due regard to the 4 Licensing

Objectives, namely:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance, and
- the protection of children from harm.

After hearing the issues, all these objectives were considered relevant. In coming to its decision, the Sub-Committee considered the application on its own merits and had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and North Yorkshire Council's Ryedale Locality Statement of Licensing Policy.

The Sub-Committee heard from the applicant's representative and representations made with regard to noise nuisance and the potential for increased crime and disorder.

In considering the proposed Operating Schedule, additional conditions volunteered on behalf of the applicant, the additional conditions requested by North Yorkshire Police and agreed by the applicant; and those imposed by the Sub-Committee, the Sub-Committee was satisfied that the Licensing Objectives would not be undermined by the application.

The Sub-Committee took into account that the applicant had stated that the premise would operate as a restaurant with alcohol available to diners and customers and it was not intended that the premise would operate as a vertical drinking establishment.

With regards to the performance of dance in the form of belly dancing, the intention was that this would primarily be offered as part of booked functions such as christening or wedding parties, for which the venue hoped to cater.

Having considered the representations made, the applicant offered additional conditions to help meet the concerns raised in those representations. With regards to fire safety the applicant acknowledged that they would require the appropriate Building Regulations approval for the works that were to be carried out at the premises. They further acknowledged that perhaps their various required applications were not made in the usual order but confirmed that the appropriate Building Regulations applications would be made.

The applicant's agent acknowledged the concerns of the Fire Officer present and discussed which measures would be required. The applicant offered a condition stating that no licensable activities would take place until the premises satisfied the fire safety requirements.

Members were satisfied that the above measures taken by the applicant supported the Licensing Objectives.

The Sub-Committee took into account the representations made to them by residents living near the premises, with regard to potential disturbance from noise and the potential for increased crime and disorder.

The Sub-Committee also noted that, regarding the licensing objectives for the prevention of crime and disorder, no representations from North Yorkshire Police, as the responsible authority, had been received. No representations had been received from the Local Authority regarding the prevention of public nuisance.

Having carefully considered the representations before them; the Sub-Committee was pleased to note that the applicant had also taken time to consider the concerns and responded by offering some additional conditions to help address the concerns raised.

The Chair reminded those observing in the public gallery that should they encounter any issues from the operation of the premises in the future these should be reported to the Council and that any Premises Licence granted by the Council as Licensing Authority

could be subject to review if problems arose and were reported.

With due regard to the above, the Sub-Committee considered that the conditions outlined in the decision notice be added to the licence.

Resolved

That the licence be granted in accordance with the application with the amended hours submitted by the applicant. The conditions would be those volunteered by the applicant, together with appropriate conditions, which had been agreed by the applicant at the hearing as set out below:

The licensable activities granted are:

- Sale of alcohol 10:00 to 23:00 Sunday to Thursday and 10:00 to 00:00 Friday and Saturday
- Late night refreshment, Recorded Music and the performance of dance 23:00 to 00:00 Friday and Saturday only
- Opening hours 10:00 to 23:00 Sunday to Thursday and 10:00 to 00:00 Friday and Saturday.

Conditions agreed at the hearing were those offered by the applicant within the operating schedule:

For the prevention of crime and disorder

1. A tamper-proof digital colour CCTV system shall be installed and maintained on the premises.
2. The CCTV system must provide a clear head and shoulders view to an evidential quality on the customers entry.
3. Recorded footage must be provided within a reasonable time to an authorised responsible Authority Officer upon request.
4. Such footage must be provided in an immediately viewable format and must include any software etc. that is required to view the footage.
5. The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once every month. This check shall include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks shall be kept on the premises at all times and made available to a representative of any responsible authority on request.
6. A contact number for the Designated Premises Supervisor will be available on the premises when not on duty.
7. Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.

The prevention of public nuisance

1. Prominent, clear and legible notices shall be displayed at all exits and in key areas, requesting the public to respect the needs of the local residents and to leave the premises and the area quickly and quietly.
2. Refuse will be stored in an industrial container at the rear of the premise. Collections of refuse will only take place between 09.00 and 18.00.
3. No exterior lights will be allowed to cause any nuisance to any nearby resident.
4. The premises will only ever play low level background music.

The protection of children from harm

1. A documented programme shall be introduced for all staff in a position who take orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of

- the content of the training for a minimum of 12 months.
2. The premises shall operate a Refusals Log and an Incident Log.
 3. A Challenge 25 Scheme shall be in operation at the premises and signage shall be prominently displayed at key areas. The only forms of ID that will be accepted will be valid photographic Driving Licenses, valid Passports, or other reliable photo ID that would be accepted by the Home Office.
 4. The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

Conditions requested by North Yorkshire Police and agreed by the applicant prior to the hearing.

- The premises shall maintain a CCTV system which covers all areas of licensable activity that takes place and provide coverage of all entry/exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon receipt of a request by an authorised officer or the police or the local authority, subject to data protection requirements.
- A premises incident / refusals register shall be kept. Such registers will record incidents of staff refusals to underage or drunk people as well as incidents of any alcohol related anti- social behaviour and ejections from the premises. These records shall be kept for a minimum of one year, (For the avoidance of doubt, the one year period relates to each respective entry 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:
 - operation of the CCTV system (including the downloading of evidence)
 - retail sale of alcohol
 - age verification policy
 - conditions attached to the Premises Licence
 - permitted licensable activities
 - the licensing objectives; and
 - opening times for the venue.

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 consumption of alcohol is only permitted for those seated at the tables and specifically not to be used for “vertical drinking”
- A “Challenge 25” Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.

Further conditions offered by the applicant in response to representations and/or in response to points raised at the hearing.

- The Management and staff will monitor the exterior of the restaurant via the CCTV system on a regular basis using their best endeavours keep the exterior of the premises free from litter at all times.
- All customers shall be encouraged to pre-book taxis and to wait for their taxis inside the restaurant area whenever possible.

- Any individual at the premises who is under the age of 18 must be accompanied by a responsible adult after 8pm on any day when there is a performance of dance in the form of belly dancing at the premises
- North Yorkshire Police will be informed at least 7 clear days before the performance of belly dancing at the premises on any day.

Conditions amended or imposed by the Sub-Committee after hearing the application and representations.

- All windows and doors are to be kept closed after 23:00 hours unless they are required for access.
- 'No licensable activities will take place at the Premises until the Premises Licence Holder can provide evidence that the Premises comply with Building Regulations Part B (Fire Safety)'

If anyone was not satisfied with the decision of this Sub- Committee, there is a right of Appeal to the Magistrates Court within 21 days of the date of this Decision.

The meeting closed at 3.49pm.

The meeting concluded at 3.49pm.