

Meeting	Licensing/Gambling Hearing
Date	8 September 2025
Present	Councillors Hook, Nicholls and Wells
Officer in attendance	Lesley Cooke – Licensing Manager Jodi Ingram – Legal Advisor Lucy Waller – Legal Advisor

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**27. Chair**

Resolved: That Councillor Nicholls be elected to act as Chair of the hearing.

**28. Apologies for Absence**

No apologies for absence were received.

**29. Introductions**

Introductions were made.

**30. Declarations of Interest**

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

**31. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**32. The Determination of an Application by Philippa Myers and Kate Starkey for Determination of Application for Premises Licence [Section 18(3)] in respect of The Fox Inn, Stockton on the Forest, York, YO32 9UW. (CYC-081829)**

Members considered an application by Philippa Myers and Kate Starkey for a determination of application for Determination of Application for Premises Licence [Section 18(3)(a) Licensing Act 2003] in respect of The Fox Inn, Stockton on the Forest, York, YO32 9UW. In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance.

In coming to its decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objective, including:

1. The application form.
2. The papers before it including the written representations received from local residents.

3. The Licensing Manager's report and her comments made at the Hearing

The Licensing Manager presented the report and noted that the premises was a village pub in a rural setting with seating for 50 people indoors. The premises had previously been licensed up to April 2025. The Licensing Manager reported that the premises was not located within the Cumulative Impact Area (CIA) and that there had been no representations made by Responsible Authorities. The Licensing Manager outlined the report and annexes and noted that paragraph four on page 52 would not apply to the application as the application did not concern off sales.

The Licensing Manager drew attention to the representations made in Annex 5 on the grounds of prevention of crime and disorder, public safety, and prevention of public nuisance, and the Agreed Conditions with North Yorkshire Police in Annex 3.

In response to questions from members, the Licensing Manager confirmed that:

- Parking was primarily a planning matter, but the Sub-Committee could consider prevention of public nuisance in regard to parking.

4. The Applicant's Representation at the hearing.

Philippa Myers and Kate Starkey (the Applicants) presented their case and noted that the premises had been a pub in the community from 1886 and closed in August 2024; the opening hours applied for mirrored the hours of the previous licence for the premises, along with amendments following liaison with North Yorkshire Police; the licenced hours applied for were available on page 15 of the agenda with the agreed conditions with North Yorkshire Police on page 52 of the agenda.

They confirmed that the main offering at the pub would be food, and that investment had been made to improve the kitchen and the premises to reflect this. They continued to state that a dispersion policy would be in place to remind customers to leave quietly and respectfully.

In response to questions from members, the Applicants confirmed that:

- They were happy with the conditions agreed with North Yorkshire Police regarding the use of CCTV etc.
- The beer garden is a small outside space which was not included in this application and was not up for consideration by the Sub-Committee but could be considered within future applications.
- The premises through previous licences had a strong food representation, though this had been lost in recent years up to its closure – the aim was for the premises to again have a strong representation for quality food for people to drive to and want to visit for food.
- They wanted to make the opening hours mirror the licensable hours and wanted to create a nice representation of the pub.

The Applicants were then given the opportunity to sum-up.

They concluded that they wanted to keep up effective communication with the local community and the village, and that they wanted to help bring the community together around the premises.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was rejected.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was approved.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was rejected.

Option 4: Refuse to specify a person on the licence as premises supervisor. This option was rejected.

Option 5: Reject the application. This option was rejected.

In approving Option 2, the Sub-Committee resolved to grant the licence for the following activities and timings with modified/additional conditions imposed by the Sub-Committee (Option 2), namely the additional conditions agreed with North Yorkshire Police as set out in Annex 3 of the agenda (excluding condition 4), and as follows:

<b>Proposed Activity</b>	<b>Timings</b>
Live Music – Indoors	10:00-23:00 Sunday to Thursday 10:00-00:30 Friday and Saturday
Recorded Music - Indoors	10:00-23:00 Sunday to Thursday 10:00-00:30 Friday and Saturday
Late Night Refreshment – Indoors & Outdoors	23:00-00:30 Friday and Saturday New Year's Eve until 02:00
Supply of Alcohol – On the premises	10:00-23:00 Sunday to Thursday 10:00-00:30 Friday and Saturday New Year's Eve until 02:00
Opening Hours	10:00–23:30 Sunday to Thursday 10:00–01:00 Friday and Saturday New Year's Eve until 02:00

### **Reasons for the Decision:**

- i. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- ii. The Sub-Committee noted that the premises are not located in the Cumulative Impact Area.
- iii. The Sub-Committee carefully considered the written representations and noted that the majority expressed support for the pub re-opening but raised concerns regarding the prevention of crime and disorder and prevention of public nuisance objectives, particularly the proposed opening hours and hours of live and recorded music given the proximity of the premises and its outside spaces to residential premises. The Sub-Committee acknowledged that the application did not extend to the outside area. The Sub-Committee also considered and noted residents' concerns regarding parking and its impact on the licensing objectives.
- iv. The Sub-Committee further noted that the Applicant had worked with North Yorkshire Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Applicant and North Yorkshire Police had agreed a number of conditions, set out in Annex 3 of the agenda. These conditions include a reduction in opening hours and the hours of licensable activities. Specifically, the Sub-Committee noted that the opening hours and timing of licensable activities on a Thursday had been brought in line with that of other weekdays, namely that licensable activities would cease at 23:00 and the premises would close at 23:30. The Sub-Committee were satisfied that these conditions would promote the licensing objectives.
- v. The Sub-Committee noted that condition 4 proposed by North Yorkshire Police in Annex 3 (which would have required off sales to be in sealed containers) was not appropriate to this application as the Applicant was not seeking a licence for off sales at this time.

- vi. As the Applicant had mediated with North Yorkshire Police there were no representations from the Responsible Authorities and the Sub-Committee gave this great weight.
- vii. The Sub-Committee had regard to paragraph 7.5 of the Council's Statement of Licensing Policy which states that the Council will have regard to the location and character of premises when considering the licensing objectives. The Applicants' business model has food and family at the forefront. The Sub-Committee noted that Stockton On The Forest is a relatively large village and the Applicants are local residents who have taken steps to engage with other local residents and are committed to continuing to do so going forward. The Sub-Committee further noted that the Applicant has obtained a leaseholder for the premises who will run the pub going forward and they have previous experience of running successful and responsible village pubs in other areas of York. In light of the evidence given by the Applicant and the conditions agreed with North Yorkshire Police, the Sub-Committee was satisfied that the premises would be operated responsibly and the licensing objectives would be promoted.
- viii. Accordingly, in all of the circumstances of the case and based on the evidence presented to it, the Sub-Committee was satisfied that the decision to grant the licence subject to the additional conditions agreed with North Yorkshire Police was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr Nicholls, Chair

[The meeting started at 10.05 am and finished at 10.43 am].