
MEETING	LICENSING HEARING
DATE	11 DECEMBER 2006
PRESENT	COUNCILLORS NIMMO (IN THE CHAIR), MOORE AND B WATSON

33. Chair

RESOLVED: That Councillor Nimmo be elected to act as Chair of the meeting.

34. Declarations of Interest

Members were invited to declare any personal or prejudicial interest in any of the business on the agenda. Cllr Moore declared a personal non-prejudicial interest as he knew Brian Mellors through Parish Council work.

35. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting prior to consideration of the personal data contained in Annexes 5 and 7 to Agenda Item 5 as provided by the Data Protection Act 1998.

36. The Determination of an Application by Carol Ann Temple for Section 35(3)(a) Determination of Application to Vary Premises Licence in respect of The Woodman, 16 Main Street, Bishopthorpe, York, YO23 2RB (CYC-008938)

Members considered an application by Carol Ann Temple to vary a premises licence at The Woodman, 16 Main Street, Bishopthorpe, York, YO23 2RB.

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

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and his comments made at the Hearing including that five of the thirty-five representations received from interested parties were deemed to be not relevant, as they were not considered to be in the vicinity of the premises. He also clarified that the opening time requested in the application was 10:00 hours and not 08:00 hours.

3. Written representation had been received from the Environmental Protection Unit and at the Hearing, and included the following recommended conditions:
 - Noise from the operation of amplified music or regulated entertainment originating from the premise shall be inaudible within noise sensitive premises.
 - All windows shall be kept shut during the operation of amplification equipment and regulated entertainment.
 - During the operation of amplification equipment and regulated entertainment all external doors shall be kept shut when not in use (accept for access and egress), with the exception to the front door that may remain open during opening hours providing that the inside porch is kept shut when not in use (accept for access and egress).
4. The representations made at the Hearing, by the Applicant's agent, including that the Applicant wanted to focus on food sales rather than alcohol sales and had lived in the village all her life and knew it well. He stated that there had been no representations from the Police or Fire Authorities.
5. The representations made by some local residents during the consultation period which were presented at the Hearing by Brian Mellors, Parish Councillor, including the large number of representations received in objection which he said indicated a lack of support for the extended hours sought. He also said that there would be an increased amount of traffic through the village with extra taxis and visitors.
6. The representations made by other local residents during the consultation and presented by the Ward Councillor, Councillor Livesley at the Hearing including objections to extending the hours beyond those of the other public houses in the village which would exacerbate the occurrences of alcohol fuelled incidents in the village and make the noise nuisance worse than at the present time.
7. Written representations made during the consultation period.

The Sub-Committee agreed to grant the variation but imposed the mandatory conditions set out in Sub-Section 19 and 20 of the Licensing Act 2003. The Sub-Committee then imposed the following additional conditions:

- The sale of alcohol shall be permitted from 10:00 to 00:00 Monday to Saturday and 12:00 until 23:30 on a Sunday.
- The premises shall be closed and vacated of customers by 00:30 from Tuesday to Sunday and 00:00 on Sunday.
- On Christmas Eve the sale of alcohol will be permitted for an extra 1 (one) hour and the closing time will be 30 minutes later.

- All regulated entertainment to cease 1 (one) hour before the appropriate closing time on each and every day.
- No karaoke will take place as any part of any regulated entertainment.
- No marquee will be erected outside of the premises as agreed with the Applicant.
- The decking shall be vacated, cleaned and cleared by 22:00 on each and every night except when in use for access and egress.
- All regulated entertainment shall be provided from the point cross-hatched on the plan submitted by the Applicant at the Hearing.
- The three conditions set by the Environmental Protection Unit shall be adhered to as set out above in paragraph 3.

NB: New Year's Eve has deregulated hours.

Councillor G Nimmo
Chair

The meeting started at 10.00 am and finished at 12.15 pm.