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MEETING	LICENSING HEARING
DATE	22 DECEMBER 2006
PRESENT	COUNCILLORS BARTLETT, HORTON (IN THE CHAIR) AND MOORE

**40. Chair**

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

**41. Declarations of Interest**

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

**42. 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 Annex 3 to Agenda Item 5 as provided by the Data Protection Act 1998.

**43. The Determination of an Application by Richard & Tracey Butler for a Section 35(3)(a) Determination of Application to Vary Premises Licence in respect of The Red Lion, Main Street, Knapton (CYC-009065)**

Members considered an application by Richard and Tracey Butler to vary a premises licence at the Red Lion, Main Street, Knapton, YO26 6QG.

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 the licensing objective, the prevention of public nuisance, including:

1. The application form, in particular the existing licence conditions. It was noted that the application did not include any additional steps to promote the four licensing objectives.
2. The Licensing Officer's report and his comments made at the Hearing, including that a representation received from the Environmental Protection Unit had been withdrawn when the Applicant agreed to the following two conditions being attached to the licence;
  - i. The doors and windows must be kept closed at all times whilst music is being played except for means of ingress or egress.

- ii. Noise emanating from the licensable activities within the premises after 23:00 hours must be inaudible at the nearest noise sensitive façade.

The Licensing Officer also stated that a previous Hearing to determine this application had been deferred as the original drawing submitted with the application was revised during the representation period without all parties being made aware.

3. The Applicant's representations at the Hearing, including that they agreed to the first condition being amended to cover all regulated entertainment involving amplified sound and not just 'music being played'. The Applicant also stated that they were not expecting to have to make any changes to Drawing No. 10 (Revision C) submitted with the application as planning permission had been granted and work was due to commence on the premises, on the basis of that drawing.
4. Written representations made during the consultation period.

The Sub-Committee agreed to grant the variation of the premises licence with the following conditions:

- The variation of the licence was only granted in line with Drawing No. 10 (Revision C) dated July 2006, as submitted with the application.
- During regulated entertainment involving amplified sound, the doors and windows must be kept closed at all times except for means of access and egress.
- Noise emanating from the licensable activities within the premises after 23:00 hours must be inaudible at the nearest noise sensitive façade.

All conditions offered by the Applicant in the application, including the operating schedule, for variation of the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

Councillor D Horton  
Chair

The meeting started at 11.40 am and finished at 12.00 pm.