

Meeting	Licensing/Gambling Hearing
Date	9 November 2017
Present	Councillors Douglas (Chair), Looker and Reid

25. Chair

Resolved: That Cllr Douglas be appointed as Chair for the hearing.

26. Introductions**27. Declarations of Interest**

Members were asked to declare any personal interests not included on their Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

No additional interests were declared.

28. The Determination of an Application by Deighton Lodge Ltd for a premises license Section 18(3)(a) in respect of Deighton Lodge, Rush Farm, York Road, Deighton, York, YO19 6HQ. (CYC-059320)

Members considered an application by Deighton Lodge Ltd. For a premises license Section 18(3)(a) in respect of Deighton Lodge, Rush Farm, York Road, Deighton, York, YO19 6HQ.

In considering this application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The prevention of crime and disorder.
2. Public safety.

3. The prevention of public nuisance
4. The protection of children from harm

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 above licensing objectives, including:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She outlined the application and advised that there had been four representations received, that Public Protection and North Yorkshire Police had agreed mediated representations and that consultation had been carried out in accordance with the Licensing Act 2003.
3. The applicant's representations at the Hearing and those of Mr Alan Moore, her representative. The applicant advised that Deighton Lodge Ltd currently hosted 15 weddings a year licensed through temporary event notices (TENs) and that a planning application had been submitted to increase this number to 30 which would require a permanent licence. The applicant explained that she wished to serve food and drink in the garden upon the arrival of guests and to provide live music outside during wedding ceremonies and to accompany the serving of refreshments. She reported that wedding guests supported the local economy and that services brought in were sourced locally. The applicant was aware of previous complaints leading to a noise abatement notice but reported that the disuse of marquees and extensive work to the barn had resolved the sound-proofing problems and no complaints had since been received. Mr Moore reported that sound checks completed in the local vicinity during a wedding had confirmed the work had been successful. Finally, the applicant explained that she would be willing to agree conditions on the license to reduce the impact of the business on local residents.
4. The written representations made by Deighton Parish Council and Primrose Hill Farm which raised concerns about noise and disruption to local residents in the run up to, and during, events.

5. The representations made by Ms Broomer and Mr Morris in writing and by Ms Broomer and Cllr Mercer (on behalf of Mr Morris) at the Hearing. Cllr Mercer stated that noise nuisance came from guests' cars arriving and departing as well as from music during the event, and that the ambition to contain events solely within the barn was unrealistic as it was likely guests would wish to go outside during the evening. Ms Broomer reported additional problems including deliveries arriving at neighbouring addresses, poor security at the site during the day, several instances of loud music late into the night, increased litter, and highway safety concerns including a collision outside the venue. It was felt that the imposition of conditions would not provide sufficient mitigation of these issues.

6. The mediated representations made by North Yorkshire Police and CYC Public Protection who, combined, recommended a total of 12 conditions to reduce the impact on local residents including restrictions on time periods in which music could be played and food and drink could be served.

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(4) of the Licensing Act 2003 which 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: Reject the application. This option was rejected.

In coming to their decision of approving the above Option 2 the Sub-Committee imposed conditions 1-6 recommended by North Yorkshire Police and conditions 3-8 as recommended by CYC

Public Protection Unit. The Sub-Committee also imposed the following additional conditions:

Proposed Activity	Timings
Live Music shall be indoors only	Friday, Saturday & Sunday and Bank Holiday Monday 10:00 – 23:00
Recorded Music shall be indoors only	Friday, Saturday & Sunday 10:00 – midnight Bank Holiday Monday 10:00 – 23:00
Late Night Refreshment indoors only	Friday, Saturday & Sunday 23:00 – midnight
Sale of alcohol (on sales)	Friday, Saturday & Sunday 10:00 – midnight Bank Holiday Monday 10:00 – 23:00
Opening times	Friday, Saturday & Sunday 09:00 – 00:30 Bank Holiday Monday 10:00 – 23:00

- No music (live, recorded, or amplified) to be played outside the barn at any time.
- No late-night refreshments to be sold or served outside the barn.
- The contact details for the wedding co-ordinator shall be provided to Deighton residents prior to any events taking place (together with any changes to those details) and the wedding co-ordinator shall be contactable by Deighton residents for the duration of all events held at the venue.

The Sub-Committee took into account the representations regarding public nuisance from the premises but felt that the imposition of suitable and proportionate conditions would enable weddings to continue while protecting local residents. The Sub-Committee attached great weight to the fact that the Council's Public Protection Unit and Police had not raised concerns that the licence should not be granted. They also considered that the applicant was able to offer evidence that activity leading to previous complaints had since been discontinued or appropriately adapted. Concerns raised about the noise of cars arriving and departing would be reduced through the earlier finish time, and the prevention of serving refreshments and playing music outside would minimise nuisance noise to the surrounding area.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached which addressed representations made both in writing and at the hearing, as it met all the licensing objectives.

The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Cllr Douglas, Chair

[The meeting started at 10.00 am and finished at 11.55 am].