

Meeting	Licensing/Gambling Hearing
Date	13 December 2018
Present	Councillors Lisle, Mason and Reid

6. Chair

Resolved: That Councillor Lisle be appointed to Chair the meeting.

7. Introductions

8. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

9. Minutes

Resolved: That the minutes of Licensing Hearing held on 30 August 2018 be approved and then signed by the chair as a correct record.

10. The Determination of an Application by Joseph Rowntree Housing Trust to Vary Premises [Section 35(3)(a)] in respect of Hartrigg Oaks, Haxby Road, New Earswick, YO32 4DY (CYC-009691)

Members considered an application by Joseph Rowntree Housing Trust to Vary Premises [Section 35(3)(a)] in respect of Hartrigg Oaks, Haxby Road, New Earswick, YO32 4DY (CYC-009691)

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

1. The prevention of crime and disorder.
2. Public safety
3. The prevention of public nuisance

4. 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 Senior Licensing Officer's report and the comments of the Licensing Manager given at the Hearing. The Licensing Manager outlined the report noting the variations applied for and the information contained within the annexes to the report. She advised that the operating schedule met the licensing objectives and that there had been no representation from Responsible Authorities apart from North Yorkshire Police for which The Applicant and they had agreed additional conditions. She advised that two representations had been made by other persons and reported that there were no planning issues in relation to your application. She noted that the Applicant and a representor had submitted additional information. She ended by outlining the 4 options available to the Sub-Committee.

In response to questions from the Sub-Committee, the Licensing Manager clarified that alcohol could only be sold to guests of residents, that the retail sale of alcohol would be predominantly for residents, and that alcohol could only be purchased by residents for their guests 24 hours per day.

3. The Applicant's representation at the hearing. The Applicant noted that there was no public access to the home. The Applicant explained that Sunday was a highlight when many residents had guests to visit. The Applicant confirmed that there was no intention to change the status quo and that the intention was that invited guests only could buy alcohol, not members of the public. The Applicant explained that the average spent on drinks per person was £5, which also included non-alcoholic drinks. The Applicant stated that there had been no issues relating to public nuisance. The Applicant explained that staff park at the front and back of the building and that there had been no complaints regarding noise. The Applicant added that there was CCTV in place. The Applicant advised that all internal doors were locked and required fob access and that all staff were alcohol trained. The Applicant clarified that all children visiting residents were grandchildren.

The Applicant's witness (Chair of the Residents Committee). The witness presented a statement from the Residents Committee. He explained the governance arrangements for the Committee and advised that it met quarterly with an average attendance of 100 residents. He noted that the

minute of the Residents Committee meeting at which the application was discussed had been submitted as part of your additional information. He noted that there had been a small number of complaints regarding the application at the meeting and added that JRHT were happy with the licence. He noted that because the building was fob controlled this limited entry and the fears raised by the objectors would not arise. He noted that he was teetotal and supported the application.

The Applicant's witness (Covener of Catering Committee). The Applicant's witness presented a statement from Residents Catering Committee. She explained that the Committee looked at complaints regarding food and drink, which included complaints regarding alcohol. She confirmed that residents would not serve food to intoxicated or underage drinkers. She noted that children visiting the home were supervised. She noted that in her seven years of residing at Hartrigg Oaks she had never seen any drunken behaviour and that guests left early. She noted that the only reason for the variation was to allow residents' guests to buy alcohol with their meals.

In response to Members' questions the Applicant clarified that:

- All alcohol was served with food.
- The end time for the sale of alcohol was late to allow flexibility. The Applicant explained that events usually ended at 9.30pm and that alcohol was served by residents.
- The Applicant would like to hold events for both residents and non-residents which would include the sale of alcohol on the premises during those events. The Applicant clarified that no members of the public would attend those events.
- There were three places to eat on site – the dining room, cafe/coffee shop and restaurant. The Applicant noted that private functions could be held in the restaurant. The witness then demonstrated the location of the three eateries on the plan provided by the Licensing Manager. The restaurant seated 64 people and the cafe/coffee shop 40 people.
- The reason that the application for a variation had arisen because The Applicant were new to your post at Hartrigg Oaks and had been reviewing the catering arrangements.
- Alcohol was served without food at events at which residents brought their own food.

- A small number of events ended after 10:00pm however not long thereafter.
- The residents were responsible for their own guests
- Non-resident guests left through the central area.

4. The representations made by two other interested parties in writing. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objectives listed above.

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(4) 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.

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

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

Option 4: Reject the application.

In coming to their decision to choose Option 2 above to Grant the licence with modified/additional conditions agreed with North Yorkshire Police and imposed by the licensing committee. The Sub-Committee then imposed the following additional conditions:

- a) The sale of alcohol will cease at 23:00hours.
- b) The purchase of alcohol by non-residents shall be restricted to events and functions organised for the benefit of one or more residents of Hartrigg Oaks.

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

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached, which addressed the representation made in writing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representation, 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 Lisle, Chair

[The meeting started at 10.05 am and finished at 11.00 am].