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MEETING	LICENSING HEARING
DATE	9 APRIL 2009
PRESENT	COUNCILLORS SUE GALLOWAY, MOORE AND WISEMAN (VICE-CHAIR)

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**1. CHAIR**

RESOLVED: That Councillor Moore be elected as Chair of the meeting.

**2. DECLARATIONS OF INTEREST**

Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Moore declared a personal non-prejudicial interest as he had served with the representor Mr. Smith on a traffic scrutiny.

**3. THE DETERMINATION OF AN APPLICATION BY JULIE DIANNE STABLES FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF ST. PAUL'S LODGE, 120 HOLGATE ROAD, YORK, YO24 4BB. (CYC-014775)**

Members considered an application by Julie Dianne Stables for a Premises Licence in respect of St. Pauls Lodge, 120 Holgate Road, York, YO24 4BB.

Members discussed some preliminary matters, in particular the numerous changes that had been made to the original application.

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

The application form in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.

The Licensing Officers report and his comments made at the hearing including the fact that the applicant had negotiated a number of conditions with responsible authorities and would still be operating the premises as a

guest house style operation primarily offering a “Bed and Breakfast” facility and not a Public House.

The applicants representations at the hearing including the fact that the premises would continue to be run in a responsible manner and that the reason for applying for a licence was to enable occasional functions to be held and for the benefit of guests.

The representations made by Local Residents in writing and at the hearing. The Sub-Committee considered the written representations to be relevant to the issues raised and the licensing objectives listed above as the residents had genuine concerns regarding the possible effect a Licensed Premises would have on the amenity of the area, especially with regard to noise levels.

The representations made by the Ward Councillor at the hearing, who advised that the area is unsuitable for a Licensed Premises due to its quiet residential nature. The Sub-Committee considered the representation to be relevant to the issues raised and the licensing objectives.

Written representations made during the consultation period.

Representations made by North Yorkshire Police, North Yorkshire Fire and Rescue Service and City of York Council’s Environmental Protection Unit were withdrawn prior to the hearing following successful mediation.

Members were presented with the following options:

- 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.

RESOLVED: That in line with Option 2 the Licence be granted.

The Sub-Committee then imposed the following additional conditions:

- 1) The venue shall remain as a Guest House style operation, primarily offering “Bed and Breakfast” facility.
- 2) Alcohol will only be served ancillary to a meal except for the following:
- 3) Pre-booked functions (of which 48 hours notice will have been given to the applicant), which may include

indoor tournaments and games nights e.g darts tournaments.

- 4) Residents and bona fide guests.
- 5) CCTV will be installed to cover the premises and will include all areas (including outside areas) to where the public have access. It will be maintained, working and recording at all times when the premises are open. The recordings shall be of sufficient quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any responsible authority for 7 days.
- 6) The only acceptable proof of age identification shall be a current passport photocard driving licence or identification carrying the PASS logo.
- 7) Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care (save for the outside drinking area to the rear of the premises).
- 8) All off-sales shall be made in sealed containers (except to bona fide residents and guests for the purpose of taking alcohol to a residential room on the premises).
- 9) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of door supervisors should the need arise.
- 10) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- 11) The licensable area shall only apply to the marked with a red line on a map which shall be issued to the applicant with the Licence.
- 12) A capacity figure of 60 persons shall be imposed so as to not to undermine the Licensing Objective "prevention of crime and disorder" and at the request of North Yorkshire Fire and Rescue.
- 13) The regulated entertainments consisting of plays, films, indoor sporting events, the performance of dance, the provision of facilities for making music and facilities for entertainment of a similar description are withdrawn from the application.

- 14) No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used in or adjacent to any part of the building at any time for the purpose of external use.
- 15) The provision of live and recorded music and anything of a similar description shall be limited to indoors only and shall be restricted to finish no later than 23:00 hours each and everyday.
- 16) The provision of facilities for dancing shall be indoors only and shall be restricted to finish at 23:00 on each and every day.
- 17) The provision of late night refreshment shall be indoors only and for non-residents shall be restricted to midnight Monday-Saturday and until 23:00 on a Sunday with no variation for notable days.
- 18) The supply of alcohol to non-residents shall be restricted to 10:00 until Midnight Monday-Saturday and from 10:00 to 23:00 on a Sunday with no variation for notable days.
- 19) The supply of alcohol to residents shall be restricted to 10:00 hours until 02:00 hours each and every day with no variation for notable days.
- 20) The hours the premises are open to the public shall be restricted to 10:00 until Midnight each and everyday.
- 21) Noise originating from within the premises shall be inaudible at the nearest noise sensitive premises after 22:00 hours every night each and everyday.
- 22) All doors and windows of the licensed premises where regulated entertainment is taking place are to be kept closed after 22:00 hours every night.
- 23) The use of the outside patio area to be restricted to 22:00 hours every night except for the provision of smoking only which will cease at midnight. Regular patrols shall be carried out by staff to ensure there is no congregation of customers or residents.
- 24) No marquees for licensable activity shall be erected to the rear of the premises.
- 25) Mandatory conditions 19&21 shall apply.

REASON:

To address the representations made in respect of the prevention of crime and disorder, public safety, the

prevention of public nuisance and the protection of children from harm.

Councillor Moore, Chair

[The meeting started at 10.05 am and finished at 12.20 pm].