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MEETING	LICENSING HEARING
DATE	17 DECEMBER 2009
PRESENT	COUNCILLORS HYMAN, MERRETT AND MOORE

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**28. CHAIR**

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

**29. INTRODUCTIONS****30. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**31. MINUTES**

RESOLVED: That the minutes of the hearing held on 12 November 2009 be signed and approved by the Chair as a correct record.

**32. THE DETERMINATION OF AN APPLICATION BY TRUST INNS LTD FOR A VARIATION OF A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF THE RED LION, 52 THE VILLAGE, HAXBY, YORK, YO32 2HX. (CYC-008954)**

Members considered an application to vary a Premises Licence by Trust Inns Ltd in respect of The Red Lion, 52 The Village, Haxby, York.

Prior to the hearing, the applicant withdrew sections E and I of the application which related to Live Music and the provision of Facilities for Making Music.

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives. The following were taken into account:

- 1) The amended 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. He advised that mediation had been taking place and Live Music had been withdrawn from the application. Residents had withdrawn their objections, although written confirmation had not been received from some of them by the time the hearing had commenced, therefore those representations remained valid. The Council's Environmental Protection Unit had also mediated with the applicant following the applicant agreeing to two conditions. The remaining part of the application dealt with a number of small amendments to the conditions of the licence. The Sub-Committee were informed that consultation had been carried out correctly with notices displayed in the local area.
- 3) The applicant's representation at the hearing including the fact that the application as amended was to vary some conditions of the licence to reflect that Trust Inns are a public house management company which lets premises to tenants. The applicant acknowledged that the premises had a history of problems in recent years, but advised that the new tenants are already improving the situation.
- 4) The representations made in writing by Local Residents. Out of 14 representations, 8 of these had been withdrawn prior to the hearing. Of the 6 that remained, concerns had been raised regarding the potential for public nuisance due to the original application for Live Music. These representations were not considered relevant due to the withdrawal of Live Music from the application. Some letters had raised issues relating to Crime and Disorder in the area, including a caravan being set alight near to the premises.
- 5) Written representations made during the consultation period.

Members were presented with the following options:

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| Option 1 | Grant the licence in the terms applied for.   |
| Option 2 | Grant the licence with modified/additional conditions.  |
| 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.   |

Members chose Option 2 and granted the variation of the licence as amended by the withdrawal of Sections E and I.

The Sub Committee agreed to the deletion of existing conditions 1,2,3 and 5 in Annex 2 of the licence and the deletion of existing condition 4 in Annex

3 of the licence. These deleted conditions would be replaced by the conditions as offered by the applicant in Section P of the application with the exception of the conditions in sub section D which will be replaced with the conditions suggested by City of York Council's Environmental protection Unit and all of which conditions are as follows:

- 1) The Designated Premises Supervisor will monitor the need for door supervisors and in doing so will take into account any advice given by the Police.
- 2) Necessary and appropriate risk assessments shall be conducted by the tenant.
- 3) Appropriate staff training shall be provided to aid with the promotion of the licensing objectives.
- 4) Noise or vibration from the premises shall not emanate so as to cause a nuisance at nearby sound sensitive properties.
- 5) When regulated entertainment in the form of recorded music is provided at the premises, doors and windows shall remained closed other than for ingress or egress.

Mandatory conditions 19 and 20 shall continue to apply.

INFORMATIVE – In terms of the revised condition (number 1), the Licensing Authority would strongly suggest that SIA Licensed door staff be used.

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

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.00 am and finished at 11.10 am].