
MEETING	LICENSING HEARING
DATE	6 DECEMBER 2010
PRESENT	COUNCILLORS HYMAN, MERRETT AND WISEMAN

58. CHAIR

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

59. DECLARATIONS OF INTEREST

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

60. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 2nd September 2010 be approved and signed by the Chair as a correct record.

61. THE DETERMINATION OF AN APPLICATION BY MRS JANETTE ROBINSON FOR REVIEW OF A PREMISES LICENCE SECTION 52(2) IN RESPECT OF LITTLE JOHN, CASTLEGATE, YORK, YO1 9RN. (CYC-009023)

Members considered an application by Mrs J Robinson for the review of a premises licence in respect of The Little John, 5 Castlegate, York, YO1 9RN.

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 review application form.
2. The Licensing Officers report and his comments made at the hearing, including the fact that the review relates to noise complaints and the conduct of customers attending the premises.

3. The representations by the Review Applicant at the hearing including that the noise from loud music and customers had begun soon after she had sold the lease to the current proprietor. After suffering years of disturbance she had asked the Council's Environmental Protection Unit (EPU) to install sound monitoring equipment and they had agreed the levels of noise were unacceptable. She advised that she had a 14 year old son who is regularly disturbed from his sleep and asked that the sub-committee consider the conditions EPU had suggested to improve the situation.
4. The representations made by City of York Council's Senior Environmental Protection Officer who advised a number of conditions had been suggested, most of which the premises licence holder had agreed to. He advised a noise abatement order had been served on the licence holder and premises owner in September 2010 and has since been breached.
5. The representations made by the Solicitor on behalf of the holder of the premises licence including that he would be happy to make concessions such as the closure of the smoking yard and stopping customers from drinking outside after 7pm. Measures such as a noise limiter for the sound equipment and the installation of double doors at the entrance would also be acceptable. He said it was inevitable that the review applicant would hear some noise from the premises, given that she lives over its front door. Concerns were raised in regard to the suggestion of stopping recorded music at 11pm and the suggestion that there should be two SIA approved door supervisors and the impact that these requirements would have on the business. He also advised that the noise abatement notice is the subject of an appeal.

Members were presented with the following options:

- Option 1. Modify conditions of licence (ie to alter, omit or add any condition).
- Option 2. Exclude a licensable activity from the scope of the licence.
- Option 3. Remove the designated premises supervisor
- Option 4. Suspend the licence for a period not exceeding 3 months
- Option 5. Revoke the licence

1. Members chose Option 1 and decided to modify the conditions of the licence and imposed the following additional/modified conditions:
 2. No drinking shall be permitted in the smoking area after 19:00 or any other outside area at any time

3. Smoking should only take place in the smoking area situated to the rear of the courtyard.
4. One SIA approved door supervisor should be used at the premises from 21:00 to closure on Thursday, Friday, Saturday and Sunday nights, Christmas Eve, New Years Eve, Bank Holidays and Race days, and be situated at the front entrance fronting Castlegate. A marshal or another member of staff shall at the same times be situated near to the smoking area and entrance doorway.
5. All windows and doors to the premises shall be kept closed during regulated entertainment except for access/egress. The provision of an acoustic lobby shall be provided to the front door to assist in reducing noise breakout, the design of the acoustic lobby to be agreed with City of York Council' s Environmental Protection Unit.
6. No live amplified music or recorded music, including karaoke, shall take place before 10:00 or after 23:00 Sunday to Thursday. No live amplified music or recorded music, including karaoke, shall take place before 10:00 or after 00:00 (midnight) Fridays and Saturdays.
7. All music, including karaoke, shall be played via a noise limiter in a manner to be agreed with City of York Council' s Environmental Protection Unit prior to use.
8. Prominent clear and legible signs shall be displayed to inform personnel/DJs that all music is to be played through the noise limiter provided. Staff should draw the notice to the attention of any DJ.
9. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These checks shall be undertaken outside the building to the front and rear for noise originating inside the premises, and noise from customers outside the venue. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available to an authorised officer of City of York Council on request.
10. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

11.A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

The Sub-Committee also reminded the Designated Premises Supervisor that he is responsible for knowing the conditions of the licence and for adhering to the conditions at all times.

RESOLVED: That, in line with Option 1, the conditions of the licence be modified.

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 10.00 am and finished at 12.40 pm].