

Meeting	Licensing Hearing
Date	15 September 2014
Present	Councillors Horton, Looker and Watt (Chair)

20. Chair

Resolved: That Councillor Watt be elected as Chair of the meeting.

21. Introductions

22. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. No further interests were declared.

23. Minutes

Resolved: That the minutes of the Licensing Hearing held on 23 June 2014 be approved and signed by the Chair as a correct record

24. The Determination of an Application by Burnholme Social Club for a Club Premises Certificate Licence Section 18(3)(a) in respect of Burnholme Social Club, Burnholme Drive, York, YO31 0LL. (CYC-023794)

Members considered an application for a Club Premises Certificate Licence in respect of Burnholme Social Club, Burnholme.

In coming to their decision, Members took into consideration all of the evidence and the 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 application form in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
2. The Licensing Manager's report and her comments made at the Hearing. She had advised that the application was for a club premises certificate at Burnholme, York for a new clubhouse to replace the existing club, which was to be demolished. A new club premises certificate was therefore required and plans showing the location and floor layouts of the new premises were tabled. She had advised that the new club would be sited adjacent to both existing and new residential development and highlighted details of the revised activities and hours applied for. Consultation had been carried out successfully.
3. The applicants representations at the hearing in which they advised that although they wished to extend the hours of opening they had no plans to change existing activities, however extending the hours would give flexibility to extend activities, as and when required.
4. The representations made in writing and at the hearing by a local resident who raised concerns about the potential for public nuisance arising from the extension of opening hours and possible noise affecting neighbouring properties. In particular issues arising from insulation of the property, emptying of bottle bins, CCTV coverage, operation of the PA system, additional traffic, signage respecting the needs of local residents and designation of a smoking area.
5. The comments made by Cllr Boyce, ward member, who asked for the concerns of adjacent residents to be taken into consideration to ensure that any disturbance was kept to a minimum.

In coming to their decision the Sub-Committee considered the following options:

- Option 1 Grant the certificate in the terms applied for and including any applicable mandatory conditions.

- Option 2 Grant the certificate with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions.
- Option 3 Grant the certificate to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions.
- Option 4 Reject the application.

Members chose Option 2 and agreed to grant the certificate with the following additional conditions:

North Yorkshire Police Conditions

1. CCTV will be installed to cover the main front door of the premises.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings will be of evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
4. Copies of recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings will display the correct time and date of the recording.
6. Copies of the recordings will be made available to any responsible authority within 48 hours of request.
7. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the club premises certificate; and the operating times of the venue.
8. Such records (referred to in condition 7) shall be kept for at least one year and they will be made available immediately upon a reasonable request from a responsible authority.
9. Upon the granting of this club premises certificate the current club premises certificate for the venue (Club Premises Certificate No CYC 009749) shall be surrendered.

Environmental Protection Unit Conditions:

1. All doors and windows shall be closed during regulated entertainment or, when regulated entertainment is not provided after 23:00 hours each night (except for ingress and egress).
2. Clear signage shall be displayed requesting that customers respect local residents and to leave the premises quietly.
3. Bottle bins are only to be emptied between the hours of 9am and 10pm Monday to Sunday.
4. The external drinking areas shall be vacated, cleared and cleaned by 22:00 on each and every day.
5. Noise originating from within the premises shall be inaudible at noise sensitive properties.

Additional Condition:

1. Bottles shall only be placed in any external waste bin between the hours of 9am and 10pm Monday to Sunday.

All relevant mandatory conditions shall apply.

Reason For The Decision:

The Sub-Committee concluded that the application was acceptable with the above amended and additional conditions as it addressed representations made both in writing and at the hearing, and 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.

The Sub-Committee noted the local resident's concerns about the potential for public nuisance associated with the premises due to the close proximity of the new club to residential properties. They also noted that there had been no objection to the application from the Responsible Authorities and that the Police and EPU had agreed a number of proposed conditions with the applicant to address potential crime and disorder and public nuisance issues. The Sub-Committee considered that the additional condition imposed by the Sub-Committee was adequate to ensure that the placing of bottles into outside bins

takes place at times that will prevent disturbance to nearby properties. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to be satisfied that the premises would be operated responsibly to avoid noise nuisance to local residents and that the above-mentioned conditions would enable the four licensing objectives to be met. The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above but reminded the applicant of the necessity of upholding all of the licensing objectives and highlighted the possibility of the licence being reviewed if it was found that the licensing objectives were not being upheld.

Resolved: That the club premises certificate licence be approved in line with Option 2.

Reason: To address the issues raised.

Councillor Watt, Chair

[The meeting started at 10.00 am and finished at 11.15 am].