

Meeting	Licensing Hearing
Date	27 January 2015
Present	Councillors Looker, Richardson and Wiseman

34. Chair

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

35. Introductions**36. Declarations of Interest**

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

37. Minutes

Resolved: That the minutes of the Licensing Hearings held on 13th June and 23rd June 2014 be approved and signed by the chair as a correct record.

38. The Determination of an Application by Terrence Wheatley and Robert Wheatley to Vary a Premises Licence Section 35(3) in respect of Wheatlands Lodge Hotel, 75-85 Scarcroft Road, York. (CYC- 009636).

Members considered an application by Terence and Robert Wheatley to vary a premises licence in respect of Wheatlands Lodge Hotel.

In coming to their decision, Members took into consideration all of the evidence presented to them and determined the relevance to the issues raised and the Licensing Objectives. The following were taken into account:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She advised that the application was to vary the existing licence to extend the boundary of the premises licence to include the outside areas, namely the rear courtyard situated within the rear parking area, and the front garden and patio area looking into Scarcroft Road. The application was also seeking the removal of condition 9 in Embedded Restrictions from the licence in reference to not allowing Credit Sales. No representations had been received from responsible authorities. Consultation had been carried out correctly.
3. The representations made at the hearing by the applicants representative. He advised that the application had been made in order to ensure the whole of the premises, both inside and out, were licensed for guests to consume alcohol. The operation of the business would not be changing and there were no plans to sell alcohol to anybody other than guests. He clarified that there was no intention to apply for off sales, and that Part 4 to the application form at Question J should be amended to reflect this, as it stated "both" in error.
4. The representations made in writing and at the hearing by local residents who raised concerns about noise from the hotel caused by guests being outside late at night, particularly in the summer months. They felt that some conditions to the licence would help minimise problems and agreed that generally, the hotel was well run.

The Sub-Committee were presented with the following options:

- Option 1 Grant the licence variation in the terms applied for.
- Option 2 Grant the licence variation with modified/additional conditions.
- Option 3 Grant the licence variation 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 of approving Option 2 the Sub-Committee refused to licence the rear outside area of the property, but approved the extension of the licensable footprint to include the outside area to the front of the property and added the following conditions:

1. No licensable activities shall take place in the outside area after 23:00.
2. No music is permitted in the outside area.

Informative

The Sub-Committee reminded the applicant of the importance of making all staff aware of the impact of noise emanating from the hotel on local residents and the need to handle noise complaints appropriately.

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

Reason: The Sub-Committee resolved that the application for a variation be granted in respect of the outside area to the front of the hotel but not to the rear, based on the evidence given by the applicant's representative at the hearing. The application was satisfactory in respect of the front outside area with additional conditions to promote the licensing objectives.

Having regard to the submissions made on behalf of the applicant, the Sub-Committee were satisfied that the operation of the premises with the additional conditions would promote the licensing objectives.

The Sub-Committee therefore agreed to grant the application in respect of the front outside area and reminded the applicant of the necessity of upholding all of the licensing objectives.

Councillor Richardson, Chair

[The meeting started at 3.30 pm and finished at 5.00 pm].