

Meeting	Licensing Hearing
Date	25 January 2016
Present	Councillors Douglas, Looker and Mason

32. Chair

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

33. Introductions**34. 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.

35. The Determination of an Application by Huntington WMC for a Premises Licence Section 18(3)(a) in respect of Huntington WMC, 1 North Moor Road, Huntington, York (CYC-054599)

Members considered an application by Huntington WMC for a premises licence in respect of Huntington WMC, 1 North Moor Road, Huntington, York, YO32 9QS.

In coming to their decision, members 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 application form.
2. The Licensing Managers report and her comments made at the hearing. She outlined the application and advised that the She advised that the application was for a premises licence for Huntington WMC which currently operated on a club premises licence. The nature of the

application was to increase the opening hours to 09:00 to 01:30 Monday to Sunday and to increase the timings for licensable activities to 09:00 to 01:00 Monday to Sunday. Consultation had been carried out correctly

3. The representations made by the applicant at the hearing. It was advised that the club currently operated using temporary events notices alongside its existing club licence but due to the popularity of the function room for use by charities for fundraising evenings, it had become necessary to apply for a premises licence which would enable the club to operate fully all year round, once the temporary events notices had ran out. The 1am finish time was not something that would be required on a regular basis. The Sub-Committee were advised how the club was operated in a responsible manner, and that the club does not accept 18th or 21st birthday party bookings.
4. The representations made in writing and at the hearing by Huntington Parish Council. The Chair of the Parish Council advised that she wished the WMC to be successful but had concerns about noise in the area late at night and was aware that residents in the village were currently being disturbed by noise. She raised concerns about the 1am finish time 7 days a week but was reassured that the club did not intend to operate past 11pm on a regular basis.
5. The representations made in writing and at the hearing by a local resident who advised that he can hear music coming from the club from the inside of his property and at present, although an inconvenience, it is something that he can live with as it mainly occurs on weekends. However he did not wish to see an extension to the finishing time for music and closing time to 1am 7 days a week, as the situation would become unacceptable. He also highlighted problems he had experienced with people accessing the driveway of his property late at night.

In coming to their decision, the Sub-Committee 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.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates.
- Option 4 Reject the application

Members chose Option 2 and granted the application with the following timings and conditions:

Licensable Activity	Premises licence timings
Plays	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Films	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Indoor sporting events	Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Boxing or wrestling entertainments	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Live music	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight

Recorded music	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Performance of dance	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Anything similar to the above	To be indoors only Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – Midnight
Late night refreshment	To be indoors only Sun - Thurs 23:00 – midnight Fri-Sat 23:00-01:00
Supply of alcohol	Sun - Thurs 11:00 - 23:00 Fri-Sat 11:00 – 01:00
Opening times	Sun - Thurs 11:00 - Midnight Fri-Sat 11:00 – 01:30
Non Standard timings	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Conditions:

1. An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record:
 - (a) All crimes reported to the venue
 - (b) Any complaints received regarding crime and disorder
 - (c) Any incidents of disorder
 - (d) Any faults in the CCTV system
 - (e) Any refusal of the sale of alcohol
 - (f) Any visit by a relevant authority or emergency service

2. The only acceptable proof of age identification shall be a current passport, photo card driving licence, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises)
3. 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 the area quietly.
4. Doors and windows should be kept closed during the playing of amplified music and other entertainment.
5. Only non-glass vessels or toughened glass shall be used in the outside designated area.
6. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
 - Operation of the CCTV system (including downloading of evidence)
 - Retail sale of alcohol
 - Age verification policy
 - Conditions attached to the premises licence
 - Permitted licensable activities
 - The licensing objectives and
 - Opening times of the venue
7. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place
8. The CCTV equipment shall have constant time/date generation which must be checked on a weekly basis for accuracy.
9. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises (excluding toilets)

10. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
11. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 48 hours of the request being made.
12. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority.
13. The following restrictions shall apply to the outside area:
 - (a) There shall be no drinking in the outside area after 23:00 every day;
 - (b) The outside area shall be cleared of drinking vessels by 23:00 every day;
 - (c) From 23:00 every day the outside area shall only be used as a smoking area.
14. The premises DPS is responsible for risk assessing the numbers of door personnel required at the venue. Special consideration should be given to the need for additional doorstaff on racedays, Fridays, Saturdays or bank holidays or other locally or nationally significant events and when boxing takes place at the premises.

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

Reason: To address the issues raised in the representations.

REASON FOR THE DECISION:

The Sub-Committee carefully considered the application and the representations submitted in writing and orally at the hearing by those making representations and the Applicant. In reaching their decision, the Sub-Committee took into consideration the provisions of the Licensing Act 2003, in particular the statutory

Licensing Objectives, together with 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 residents' and Parish Council's concerns that there has been noise in the area late at night, particularly at weekends. They also noted that there had been no objection from the Responsible Authorities and that the Police had agreed a number of proposed conditions with the Applicant to address potential disorder and public nuisance issues. The Sub-Committee considered that the premises licence with the mandatory and above additional conditions would meet the concerns expressed by the interested parties as to anti-social behaviour and noise nuisance late at night and would be consistent with the licensing objectives.

The Sub-Committee therefore agreed to grant the licence with the amended timings and additional conditions referred to above which were appropriate and proportionate to promote the licensing objectives.

Councillor Looker, Chair

[The meeting started at 10.00 am and finished at 12.00 pm].