

**Licensing Act 2003 Sub Committee**

**9 November 2017**

Report from the Assistant Director – Planning & Public Protection

**Section 18(3) (a) Application for a premises licence for Deighton Lodge, Rush Farm, York Road, Deighton, York, YO19 6HQ**

**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-059320
3. Name of applicant: Deighton Lodge Limited
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

<b>Proposed Activity</b>	<b>Timings</b>
Live Music (indoors & outdoors)	Friday, Saturday & Sunday and Bank Holiday Monday 10:00 – 23:00
Recorded Music (indoors & outdoors)	Friday, Saturday & Sunday 10:00 – 01:00 Bank Holiday Monday 10:00 – 23:00
Late Night Refreshment (indoors & outdoors)	Friday, Saturday & Sunday 23:00 – 01:00
Sale of alcohol (on sales)	Friday, Saturday & Sunday 10:00 – 01:00 Bank Holiday Monday 10:00 – 23:00
Opening times	Friday, Saturday & Sunday 09:00 – 01:30 Bank Holiday Monday 10:00 – 23:00

## **Background**

6. A copy of the application is attached at Annex 1. A copy of the plan of the premises is attached at Annex 2.

## **Promotion of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

8. General

- a) Will ensure that all live music acts are aware of the 11pm finish time by signing an agreement prior.
- b) Will complete sound checks throughout at nearby properties to ensure it is inaudible.
- c) The local licensing policy will be obtained and used as a guideline to adhere to.
- d) A wedding co-ordinator will be on site at all times to enforce the smooth running of the rules.
- e) A night porter will ensure all guests depart the site by 1:30am.

9. The prevention of crime and disorder

- a) All activities during the weddings will be monitored and supervised by an onsite wedding co-ordinator.
- b) From 7pm there will be an extra supervisor in the presence of a night man / porter to assist with any issues. These two candidates will work together to enforce a strict time plan which ends with guests departing by 1:30am.
- c) Signage will be displayed to ensure no drinking takes place during a civil ceremony.

10. Public Safety

- a) Only wedding guests are to attend the events, therefore, in general everybody will either be close family or friend, limiting the amount of disorder and promoting public safety.
- b) Alcohol service will finish strictly with last orders called at 12:45am allowing guests time to finish drinks with carriages at 1:30am.
- c) Use of the surrounding field is strictly for the use of car parking only, therefore protecting the surrounding public.

11. The prevention of public nuisance

- a) There have been two noise assessments completed at the site to ensure noise breakout is at a minimum.
- b) The barn has been thoroughly insulated and noise mastic put around every opening.
- c) External doors remain closed with self closers.
- d) External activities such as smoking or entertainment is in the protected and sheltered garden to the east.

12. The protection of children from harm

- a) The challenge 25 signage will be on display during any event.
- b) Children will not be permitted to consume alcohol even with food.

**Special Policy Consideration**

13. The premise is not located within the special policy area.

**Consultation**

14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
15. All procedural aspects of this application have been complied with.

**Summary of Representations made by Responsible Authorities**

16. North Yorkshire Police have mediated with the applicant who has agreed to a number of conditions being attached to the licence if granted. The agreement is attached at Annex 3 and the conditions are as follows;
17. 1. The premises shall trade as a wedding venue and non-intoxicating drinks shall be available at all times the premises are trading.

2. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- Retail sale of alcohol;
- Age verification policy;
- Conditions attached to the Premises Licence;
- Permitted licensable activities;
- The licensing objectives; and
- Opening times for the venue.

Such records to be kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry.]

3. An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:-

- All crimes reported to the venue
- Any complaints received regarding crime and disorder
- Any incidents of disorder
- Any refusal of sale of alcohol
- Any visit by a relevant authority or emergency service.

Such records to be kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry.]

4. 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.

5. The premises shall operate the Challenge 25 policy for the sale of alcohol.

6. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology eg thumb print or pupil recognition, is adopted by the Premises Licence Holder).

18. CYC Environmental Health Officer has mediated with the applicant who has agreed to a number of conditions being attached to the licence if granted. The agreement is attached at Annex 4 and the conditions are as follows;

19. 1. No amplified music shall be played outside the barn.

2. Unamplified music played outside the barn shall cease by 19:00 hours.
3. Live music taking place inside the barn shall cease at 23:00 hours.
4. Throughout the time that live or recorded music is played inside the barn, the door on the northern elevation, and all the windows, shall be kept closed except to allow ingress and egress.
5. Throughout the time that live or recorded music is played inside the barn, the door on the south end of the western elevation shall not be used for ingress or egress at any time except in the event of an emergency. The door may only be used as a means of ingress or egress once a second set of doors and an intervening lobby area is provided and installed to the satisfaction of the City of York Council.
6. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints received by Deighton Lodge and a map identifying the sound check locations.
7. Documented checks of sound created by the premises shall be carried out by members of staff in accordance with the agreed noise management plan at the agreed locations. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of City of York Council upon request.
8. Staff training shall be given and documents regarding all matters relating to the licence and its conditions. Records of training shall be kept available for 3 years.

### **Summary of Representations made by Other Parties**

20. Four relevant representations have been received from other parties and are attached at Annex 5.
21. A map showing the general area around the venue is attached at Annex 6.

## **Planning Issues**

22. The applicant has recently submitted a planning application to amend a planning condition which limits the number of events to a total of 15 per calendar year, to allow 30 events a year. This application is yet to be determined.

## **Options**

23. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Grant the licence in the terms applied for.
25. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
26. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
27. Option 4: Reject the application.

## **Analysis**

28. The following could be the result of any decision made this Sub Committee:-
29. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
30. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
32. Option 4: This decision could be appealed at Magistrates Court by the applicant.

## **Council Plan**

33. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

34. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

### **Implications**

35.

- **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – N/A
  - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
  - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
  - **Information Technology (IT)** – N/A
  - **Property** – N/A
- Other** – none

### **Risk Management**

36. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
37. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

### **Recommendations**

38. Members determine the application.  
Reason: To address the representations received as required by the Licensing Act 2003.

**Contact Details**

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**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director for Planning and  
Public Protection.

**Report  
Approved**



**Date** 30/10/2017

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Wheldrake**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Application form
- Annex 2** - Plan of premises
- Annex 3** - Police Conditions
- Annex 4** - EHO Conditions
- Annex 5** - Other Representations
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations