
MEETING	LICENSING/GAMBLING HEARING
DATE	27 SEPTEMBER 2010
PRESENT	COUNCILLORS HYMAN, REID AND B WATSON

1. CHAIR

RESOLVED: That Councillor Reid be elected as Chair.

2. INTRODUCTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda.

None were declared.

4. MINUTES

RESOLVED: That the minutes of the meeting of the Licensing Review Panel held on 18 January 2010 be approved and signed as a correct record by the Chair.

5. THE DETERMINATION OF AN APPLICATION BY HAXBY & DISTRICT W.M.C TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF HAXBY W.M.C, 64 NORTH LANE, HAXBY, YO32 3JP.. (CYC-009770)

Members considered an application by Mr Grainger and Mr Hawley for the review of a variation to a club premises licence in respect of Haxby Working Men's Club (WMC).

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 objective – Prevention of Public Nuisance. The following were taken into account:

1. The application form.
2. The Licensing Officer's report and his comments made at the Hearing. He advised that there had been a licensed premises on the site for many years and the current licence was granted under grandfather rights in 2005. The application was being made to

extend the supply of alcohol by one hour on Friday, Saturday and Sunday nights.

3. The applicant's representations at the hearing including the fact the applicant wanted to be able to serve alcohol longer on weekends. The applicant advised that the club did not have live acts on Sunday evenings and that the only time the club had been open later recently was under Temporary Events Notices. The applicant told the Panel that the club wanted to be a good neighbour and offered to extend the wall beside the outside area to help block some of the noise.
4. The representations made by local residents in writing and at the hearing. The Sub-Committee considered the representations to be relevant to the licensing objectives as concerns were raised regarding the potential for further public nuisance the area, especially after 11pm at night.
5. The representations made by Councillor Paul Firth at the hearing on behalf of a local resident. He advised that the area was residential and the club had boundaries with residential properties. He advised that residents accepted that the club had been there a long time but residents expected to be able to sleep after 11 pm.

Having regard to the evidence and representations received, the Sub Committee considered the steps which were available for them to take under Section 72 (4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives.

Members were presented with the following options:

- Option 1: Grant the variation of the certificate in the terms applied for and including any applicable mandatory conditions as set out in ss73, 74 and 75 of the Licensing Act 2003.
- Option 2: Grant the variation of the certificate with modified/additional conditions imposed by the Licensing Committee including any applicable mandatory conditions as set out ss73, 74 and 75 of the Licensing Act 2003.
- Option 3: Grant the variation of the certificate to exclude any of the qualifying club activities to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions as set out ss73, 74 and 75 of the Licensing Act 2003.
- Option 4: Reject the application.

Members chose to grant the variation of the certificate with modified/additional conditions imposed by the licensing committee (Option 2). Members imposed the following conditions:

1. CCTV will be installed to cover the premises and will include all areas (including outside areas) to where the public have access. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced at Court or other such Hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of a request.
2. A member of the Committee will always be on duty when the Club is open on an evening. For the purpose of clarity an evening is defined as after 21:00 hours.
3. All off-sales shall be made in sealed containers (save for those sales specifically for consumption in any outside drinking areas attached to the premises).
4. Documented staff training will be given regarding the retail sale of alcohol and the conditions attached to the Club Premises Certificate. Such records shall be kept for at least a year and they will be made available upon a reasonable request from any Responsible Authority.
5. The management of the venue will comply with any written, reasonable and justified request made by the North Yorkshire Police regarding the provision of door Supervisors should the need arise.
6. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
7. 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 area quietly.
8. Noise and vibration from the premises shall not emanate, so as to cause a nuisance at nearby sound sensitive properties.
9. When regulated entertainment in the form of recorded and/or live music is provided at the premises, doors and windows shall remain closed other than for ingress or egress.
10. Notices shall be placed on exit doors and staff to remind customers that there are residential premises in the area and to be quiet when leaving the property.
11. Bottle bins are only to be filled and emptied between the hours of 09:00 and 21:00, Monday to Saturday.

12. The outside seating/smoking area shall be cleared, cleaned and vacated by 23:00 on each and every day.

13. Representors shall be provided with a contact number for the Member of Committee on duty.

RESOLVED: That, in line with Option 2, the conditions of the licence be modified.

REASON: To address the representations made.

Cllr Reid , Chair

[The meeting started at 10.00 am and finished at 11.20 am].