

Meeting	Licensing Hearing
Date	28 August 2013
Present	Councillors Boyce, Cuthbertson and Taylor

18. Chair

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

19. Introductions**20. Declarations of Interest**

At this point of 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.

21. The Determination of an Application by Mr Raymond Stannard to Vary a Premises Licence Section 35(3)(a) in respect of Lord Collingwood, The Green, Upper Poppleton, York, YO26 6DP. (CYC-008977)

Members considered an application by Mr. Raymond Stannard to vary a premises licence in respect of the Lord Collingwood, Hodgson Lane, Upper Poppleton, York.

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 Manager's report and her comments made at the Hearing. She advised that the application was to

vary an existing premises licence at The Lord Collingwood to extend the licensed area to incorporate a section of village green at the front of the premises. The premise is not located within the special policy area. Two conditions had been agreed with North Yorkshire Police prior to the hearing. Consultation had been carried out successfully.

3. The applicants' Solicitors representations made at the hearing. He advised that the premises is a well run public house that offered food until 9pm and the extension of the licensed area was to enable tables to be placed outside on the village green immediately in front of the building for customers to enjoy meals outside. In response to the representations made he advised that his client was happy to amend the application to three tables. He stated that he is a responsible operator who would not tolerate badly behaved customers and would monitor the extended area closely to ensure no nuisance is being caused.
4. The representations made at the hearing by local residents who raised concerns about the proximity of the proposed seating area to their property and the potential for public nuisance caused by customers being outside at night time. They advised that they already experienced some noise nuisance and had some concerns about children running between the new area and the rear of the property.
5. Written representations made by local residents during the consultation period.

The Sub-Committee were presented with the following options:

- Option 1 Grant the variation to the Licence in the terms applied for.
- Option 2 Grant the variation to the Licence with modified/additional conditions imposed by the Licensing Committee.
- Option 3 Grant the variation to the Licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

Members chose Option 2 and agreed to grant the licence with modified/additional conditions as follows:

1. There shall be no more than three tables providing a maximum of 18 seated covers available at any time.
2. The outside grassed area directly to the front of the premises shall be clearly demarked by way of removable barrier when in use. For the purpose of clarity the demarcation shall be on three sides (the boundaries being the left and right side of the outside area and the area directly affronting/closest to the road).
3. The front outside area to be cleared and vacated of customers by 22:00 hours everyday.
4. Upon closing the premises, staff will undertake a general litter pick up and tidy of the front outside area of the premises.

Informative – The applicant is reminded that all necessary consents must be sought to erect barriers and place tables and chairs on the front outside area.

All relevant mandatory conditions shall apply.

Resolved: That the application be approved in line with Option 2 as detailed above.

Reason: The Sub-Committee concluded that the application was acceptable with the above additional/modified conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 12.15 pm].