

Licensing Sub Committee

held at Ryedale House, Malton
at 10.00am on Friday 11 April 2008

Present

Councillors: Hemesley (in the Chair), Mrs J De Wend Fenton and Mrs D Keal.

Mr J C Harvard	-	Forth & Co Solicitors
Miss R Armstrong	-	Feversham Arms, Kirkbymoorside
Mr R Murray	-	Feversham Arms, Kirkbymoorside
PS A Stubbings	-	North Yorkshire Police
Mr A Stuttard	-	Environmental Health Officer (Ryedale District Council)
Mr R McClure	-	Licensing Officer (Ryedale District Council)
Mrs F Brown	-	Assistant Solicitor (Ryedale District Council)
Miss C Gaynor	-	Committee Administrator

LS.77 **Declarations of Interest**

There were no declarations of interest were received.

LS.78 **Adjournment**

The Chairman reported that the meeting was to be adjourned for 20 minutes to enable Members to consider the supplementary documents which had been circulated at the meeting in connection with the variation to the Premises Licence.

This followed representations being made by the parties regarding the supplementary papers and neither objecting to the inclusion of the supplementary papers.

LS.79 **To determine an application for a variation to a Premises Licence from Forth & Co Solicitors for the Feversham Arms, Church Houses, Farndale, Kirkbymoorside, YO26 7LF**

The Chairman welcomed all representatives to the meeting and appropriate introductions were made.

The Chairman explained that the hearing was subject to the prescribed procedure, copies of which had been circulated with the agenda. Representatives were reminded that opening statements were to be brief as all parties had had the opportunity to make detailed written submissions and to consider the submissions of other parties. The Chairman also advised those present that additional information produced at the hearing without prior disclosure may not be heard if, following objections to its submission, the Sub-Committee so determined.

The Chairman also reminded those present that their representations should be relevant to the licensing objectives under the Licensing Act 2003, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

An application had been received for a variation to a Premises Licence from Forth & Co Solicitors for the Feversham Arms, Church Houses, Farndale, Kirkbymoorside, YO26 7LF.

Details of the Proposal

- To extend the hours for the sale by retail of alcohol until 02:00 hours each day and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)
- Provision of Late Night Refreshment each day between the hours of 23:00 and 02:00. On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on the 31st December)
- Provision of Indoor Sports Events, Live Music, Recorded Music, Performance of Dance and anything of a similar description to that of live music, recorded music or performance of dance each day between the hours of 10:00 and 02:00 hours. On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on the 31st December)
- Provision of facilities for making music, dancing and facilities for entertainment of a similar description to making music or dance each day between the hours of 10:00 and 02:00. On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on the 31st December)
- The hours the premises are open to the public each day between the hours of 10:00 and 02:30. On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on the 31st December). Closing time after the expiry of permitted hours after New Years Eve will be 30 minutes after the cessation of licensable activities

Having considered the representations received from both the Environmental Health Officer and the North Yorkshire Police, Mr Harvard reported that the Licensees had reconsidered their proposed hours of 10:00 – 02:00/02:30 hours to an alternative 10:00 – 01:00 hours.

All responsible Authorities had been consulted and the Licensing Authority had received relevant representations from:

- Environmental Health Officer on the Prevention of Public Nuisance Licensing Objective

- North Yorkshire Police on a combination of the Prevention of Crime and Disorder, prevention of Public Nuisance and the protection of children from harm

Representatives put their respective cases to the Sub Committee Members.

Following questions from Members the representatives summed up their cases prior to the Committee retiring to consider the application, after which the following decision was announced:

Resolved

- a) Indoor Sporting events, Live Music, Recorded Music, Performance of Dance or anything of a similar description, provision of facilities for making music, provision of facilities for dancing, provision of facilities for entertainment or anything of a similar description. 10:00hours – 23:00 hours Sunday to Thursday and 10:00hours - 00:00hours Friday and Saturday.
- b) Supply of alcohol 10:00hours – 00:00hours Sunday to Thursday and 10:00hours - 01:00 the following morning Friday and Saturday.
- c) Late night refreshment 23:00hours - 00:00hours each day.
- d) Premises open to the public 10:00hours – 00:30hours Sunday to Thursday and 10:00hours – 01:30hours Friday and Saturday.
- e) The following conditions will be imposed:
 - All external doors and windows to be kept closed during the playing of regulated entertainment music.
 - Noise from regulated entertainment music and singing shall be inaudible at the nearest noise sensitive premises after 23:00hours.
- f) That a suitable 'Proof Of Age' scheme be used.