

Licensing Sub Committee

held at Ryedale House, Malton
Friday 27th March 2009

Present

Councillors Mrs De Wend Fenton (In the Chair), Hope and Jackson

Steph Dale, John McGrath, Karen Hughes (Youth Hostel Association) - Applicant
30 Interested Parties

In Attendance

Mr P Crossley	- Licensing Officer (Ryedale District Council)
Mrs F Brown	- Assistant Solicitor (Ryedale District Council)
Mrs E Hayes	- Democracy officer

LS.82 Declarations of Interest

No declarations of interest were made.

LS.83 To Determine an Application for an application for a new Premises Licence for the Helmsley Youth Hostel, Carlton lane, Helmsley

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

The Chairman reported that the hearing was subject to the prescribed procedure, a copy of which had been circulated with the agenda. Representatives were reminded that opening statements were to be brief as all parties had been afforded the opportunity to make detailed written submissions and to consider the submissions from other parties. The Chairman also advised those present that additional information produced at the hearing without prior disclosure might 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

The Council's Licensing Officer then presented the report, which had been circulated with the agenda and referred to the relevant points contained in the guidance.

An application for a Premises Licence had been received from the Youth Hostel Association (England and Wales) (YHA), for the Helmsley Youth Hostel. The hostel currently had no licence as it did not offer licensable activities. A copy of the licence application form was appended to the report.

The application sought to provide the following licensable activities for the hours listed:

- (a) the provision of the following regulated entertainment:- Plays, indoor sporting 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 of the week from 11:00 to 23:00 hours and films 24 hours a day each day of the week.
- (b) The provision of facilities for making music, dancing and facilities for entertainment of a similar description to making music or dancing each day of the week from 11:00 to 23:00 hours
- (c) The supply of alcohol each day for the week from 11:00 to 23:00
- (d) Hours the premises are open to the public:- 24 hours a day each day for the week.

All Responsible Authorities had been consulted and the Licensing Authority had received relevant representations from 78 interested parties mainly on a combination of the Prevention of Public Nuisance and the Protection of Children from Harm Licensing Objectives. North Yorkshire Police had initially made representation under the prevention of crime and disorder and prevention of public nuisance licensing objectives. A condition had been included which then caused the Police to withdraw their representation.

The interested parties appeared to be mainly concerned about the potential for noise nuisance and anti-social behaviour caused by people smoking and drinking outside the Hostel in the evening, and the potential for parties to continue into the early hours. Full representations were included with the agenda. Four interested parties spoke, explaining their concerns, and requesting alterations to the conditions of the license.

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 considering the application, after which the following decision was announced:

Decision

That the application from the Youth Hostel Association (England and Wales) be granted subject to the following conditions:

- (i) To replace the condition in point 5 of the Licensing Officer's report to read:-
"To restrict the sale and consumption of alcohol to residents, bona fide guests of residents attending Youth Hostel Association approved and organised functions and events, and YHA employees and their guests"

- (ii) To add an additional condition to read:-
"Smoking should not be permitted on the Youth Hostel site and suitable receptacles for the collection of smoking detritus immediately off site of the Hostel premises and grounds must be made available"
- (iii) To add to point 16 of the supplementary agreed conditions to state:
"Use of the Garden and designated drinking area will cease at 21.30 hours until 08:00 hours."

Reasons

The Sub Committee was satisfied on hearing the representations made that there was sufficient evidence to persuade Members that the conditions should reflect their concerns. The Sub Committee was however, satisfied that the application was as amended, consistent with the four Licensing Objectives.

The meeting started at 10.05am and finished at 1.00 pm

Licensing conditions for Helmsley Youth Hostel, 23 March 2009

Alcohol Supply

1. The supply of alcohol shall be between the hours of 1100 hours and 2230 hours Sunday to Thursday and 1100 hours to 2300 hours on Friday and Saturday. No supply of alcohol shall take place when there is no designated premises supervisor in respect of the premises license.

Reason: The Prevention of Public nuisance, public Safety, The Protection of children from harm.

2. Exhibition of Film

Reason: the Protection of Children from Harm.

- a) The admission of children to a film exhibition shall be restricted in accordance with Section 20 of the Licensing Act 2003.
- b) The film classification body for the purpose of this license shall be the British Board of Film Classification.
- c) Where any such film has not been classified by the film classification body then the Premises License Holder shall conduct an assessment of the suitability of the film for exhibition to children and attach such age restrictions as he or she considers appropriate.
- d) No film exhibition shall be shown at the premises unless it has been classified by the British Board of Film classification or assessed by the Premises License holder and only the following classifications shall be applied:
 - e) U- Universal. Suitable for audiences aged four years and over.
 - f) PF – Parental Guidance. Some scenes may be unsuitable for young children.
 - g) 12A – Passed only for viewing by personal aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - h) 15 – Passed only for viewing by persons aged 15 years or over
 - i) 18 – passed only for viewing by persons aged 18 years or over
 - j) Where a programme includes a film falling into the 12A 15 or 18 category, no person appearing to be under the age of 12 and unaccompanied by an adult or under 15 or 18 as appropriate shall be admitted to any part of the programme.

Operating Schedule.

3. A security manual shall be maintained and enforced for the premises.

Reason: Public Safety.

4. A Child Protection policy which includes a restricted policy relating to alcohol sales shall be maintained and enforced for the premises.

Reason: The Protection of Children from Harm.

5. A Health and Safety policy shall be maintained and enforced for the premises.

Reason: Public Safety.

6. Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
Reason: the Protection of Children from Harm.
7. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be under the age of 21 years to produce a recognised proof of age card, accredited under the Proof of Age Standards (PASS) or if a proof of age card is not available, a photo driving license, passport or accredited student card.
Reason: the Protection of Children From Harm.
8. Children must be supervised by an adult at all times when in an area where licensable activities take place.
Reason: The Protection of Children from Harm.
9. Except in the case of normal ingress and egress, all external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
Reason: The Prevention of Public Nuisance.
10. Notices shall be displayed at appropriate locations advising patrons not to open windows or doors during periods of regulated entertainment except in an emergency.
Reason: The Prevention of Public Nuisance.
11. Live music shall be unamplified and restricted to the main communal room in the hostel.
Reason: The Prevention of Public Nuisance.
12. The Premises license shall be peculiar to the YHA and shall be surrendered upon the premises ceasing to operate as a Youth Hostel Association Premises.
Reason: The Prevention of Public Nuisance.
13. All alcohol consumed on the premises must only be supplied from the reception area.
Reason: Public Safety, the Prevention of Public Nuisance, The Protection of Children from Harm.
14. All licensable entertainment with the exception of the exhibition of films shall terminate 15 minutes prior to the end of the license to supply alcohol.
Reason: The Prevention of Public Nuisance.
15. A responsible representative of the Youth Hostel must be available at all times any licensable activity takes place at the Hostel.
Reason: The Prevention of Crime and Disorder, The Prevention of Public Nuisance, The Protection of Children from Harm.

16. The consumption of alcohol must be restricted to the communal accommodation of the Youth Hostel and the external area as designated on the plan.

Reason: The Prevention of Public Nuisance.