

Licensing Sub Committee

Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH
on Monday 13 June 2022

Present

Councillors Cleary (Chairman), MacKenzie and Potter

In Attendance

Mark Heaton (Senior Licensing Officer), Jonathan Davey (Legal Advisor), John Wardell (Clerk)

Minutes

1 **Emergency Evacuation Procedure**

The Chairman informed Members of the Public of the emergency evacuation procedure.

2 **To determine an application from Malton Amenity CIC t/as Visit Malton for a Variation of a Premises Licence in respect of Premises known as The Grounds, Talbot Hotel, Yorkersgate, Malton**

Introductions

The Chairman introduced those present at the hearing: the members of the Sub-Committee, the Applicant's Representative Mr Mark Brayshaw and Ms Rebecca Wilkin, Interested Parties: Mr Mark Bramhall, Malton Town Council's Representative Cllr Ian Conlan, the Senior Licensing Officer presenting the report, the Legal Adviser, and the Committee Clerk.

Apologies for Absence

There were no apologies received.

Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda.

There were no declarations of interest.

Exempt Information

The Chairman referred to the Legal Officer, who outlined exclusion of the public and asked the applicants representatives and interested parties if they wished to exclude the Public.

Decision

There was no application for the exclusion of the public.

Licensing Sub Committee Hearing Procedure

The Chairman outlined the Licensing Sub Committee Hearing Procedure.

Minutes

Members considered an application by Malton Amenity CIC t/a Visit Malton to vary a Premises Licence in respect of the premises known as The Grounds, Talbot Hotel, Yorkersgate, Malton Licence Number: 19/00274/PREM.

1. The Chairman invited the Senior Licensing Officer to present his report. Cllr Potter asked if the original application had been granted under delegated powers by the officer or had been a Sub Committee decision. The Senior Licensing Officer advised it has been granted by delegated officer decision. There were no further questions from the Sub Committee, Applicant's Representatives or Interested party.
2. The Chairman advised that late representations had been received. The late representations were issued to the Applicant's Representatives for their consideration. The Chairman referred to the Legal advisor who outlined case law in the matter of dealing with late representations in such circumstances. The legal advisor stated the Sub Committee had to determine the following before proceeding:
 - a. To allow Malton Town Council's submission to be considered.
 - b. To allow Malton Town Council's representative (Cllr Ian Conlan) to speak.

Decision

The decision was to allow Malton Town Council submission to be considered and their representative Cllr Ian Conlan to speak.

3. The Chairman asked the applicant if he would like to make an opening statement. Mr Brayshaw outlined his statement submitted prior to the hearing outlining the previous history of the event and the meditation discussions following the close of the application consultation with the Interested Party (Mr Bramhall). Mr Brayshaw advised that following said discussions with Mr Bramhall they would amend their application to the following: Licensable activities to be held on a maximum of 10 calendar days per year. Regulated Entertainment may only be provided on 2 days (of the 10 event days). Cllr Potter asked the Applicant's Representative who is responsible for the wedding venue which operates at other times of the year from the site, Rebecca Wilkin advised this was the Coaching Inn Group who is the tenant of the Talbot Hotel. Cllr Potter asked if Meadowfest has a noise impact

assessment in place. Mr Brayshaw advised no specific assessment is in place however sound checks are undertaken and no previous complaints have been received. There were no further questions.

4. The Chairman Invited Mr Bramhall to make his opening statement. Mr Bramhall stated that he had no objection to the increased sales points at the event however did object to the site being used to for additional events involving entertainment. He outlined his statement and drew the Sub Committees attention to the plan he had included and the direction of noise from the stage at the event towards his house. He requested that if the Sub Committee decide to grant the application that they consider a condition relating to an acceptable noise level as at present he has to turn his television up due to the noise from Meadowfest. Mr Bramhall asked the Chairman if the Senior Licensing Officer or the Legal Advisor could explain Regulated Entertainment as this was his main concern regarding the increased number of events. The Senior Licensing Officer outlined what licensable activities the premises could undertake under the deregulation of Regulated Entertainment without amending the licence where numbers at events were restricted to a maximum of 500 people. It was explained that this exemption could be removed if a licence was taken through the review process, but that this was not the forum do this. The Senior Officer explained that at present no noise complaints had been received. There were no further questions.
5. The Chairman invited the representative from Malton Town Council to make their opening statement. Cllr Conlan outlined the statement presented to the Sub Committee prior to the hearing. There were no questions.
6. The Chairman asked the Applicant's representatives if they wish to make an amendment to their application. Mr Brayshaw advised that their application was to be amended to: Licensable activities on a maximum of 10 calendar days per year. Regulated Entertainment would only be provided on 2 'consecutive' days (of the 10 event days) per year. All other aspects of the application were to remain unchanged.
7. The Chairman invited Mr Bramhall to sum up. Mr Bramhall stated that if the application was to be granted with the Applicant's amendment he would withdraw his objection.
8. The Applicant's Representatives and the Senior Licensing Officer had nothing further to add in the Summing up.
9. Members of the Sub Committee retired to consider the application and arrive at their decision. The Legal Advisor and Clerk retired with them.
10. Members of the Sub Committee, Legal Advisor and Clerk return to the Council Chamber and the Chairman announced the decision as follows:

Decision

The Sub-Committee have had sight of:

The licensing officer report, the application, the existing premises licence, the letter dated the 8th June 2022 from the applicant, the representation from Karen and Mark Bramhall.

In addition the sub-committee have seen the letter dated the 6th June 2022 from the Malton Town Council and the further email sent by Mr Thackray dated the 9th June 2022, the further email from Jem Walker dated 23rd May 2022, the email from Paul Andrews dated the 12th June 2022.

These pieces of correspondence were received late. The sub-committee had to consider whether they should consider them or not at the hearing. The decision was to allow the Malton Town Council's submissions to be considered and also to allow Cllr Conlan to speak.

The applicant amended their application during the hearing so that they would apply for licensable activities on a maximum of 10 calendar days per year. Regulated entertainment may only be provided on 2 consecutive days (of the 10 event days).

This means large events such as Meadowfest will be restricted to 1 weekend a year.

DECISION OF THE SUB – COMMITTEE

In coming to its decision, the sub-committee has considered the application on its own merits and has also had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and Ryedale District Councils Licensing Policy. The sub-committee has had due regard to the 4 licensing objectives namely:

- The prevention of crime and disorder**
- Public Safety**
- Prevention of public nuisance**
- The protection of children from harm**

After hearing the issues today, it is the licensing objective of the prevention of public nuisance

... that is relevant and consideration has been given to this today.

As a preliminary decision the sub committee note that in accordance with the law people who wish to make representations should do so within the period of 28 consecutive days starting on the day after the day on which the application was given to the authority. The Malton Town Council, whose letter dated the 6th June 2022 stated that they want information to be considered and that they were not consulted. The Town Council does not legally have to be notified of applications by Ryedale District Council (unlike the Police and Fire Brigade).

The sub committee however has a discretion as to whether or not it considers the content of the materials submitted late and also whether or not it hears from Malton Town Council.

The sub committee have considered and allowed the late submission and for the Town Council to address the hearing. This is as the representations have been made by an elected public body and is not in our estimation designed to frustrate Ryedale District Council.

It is the decision of the sub-committee today that:

The Licence be varied:

The licence is varied so that:

1. The premises licence shall authorise Licensable activities on a maximum of 10 calendar days per year. Regulated entertainment is restricted and may only be provided on a maximum of 2 consecutive days per calendar year.
2. The Event Management plan must incorporate a noise management plan.
3. Any reasonable revisions to the Event Management Plan, suggested by the Local Licensing Authority, Safety Advisory Group and / or police and made no later than 10 days prior to the event shall be incorporated into the plan.
4. All alcohol sales will be in non-glass vessels unless sold in sealed containers.
5. There shall be no more than 10 bars / points of sales at the event.
6. Alcohol must be sold from fixed structures (such as a beer tent or stall). No mobile sales permitted.

The sub-committee note that the applicant has amended the application to restrict the number of days Regulated Entertainment can be provided. This is reduced to 2 consecutive days. These days are no longer just restricted to July but must be 2 consecutive days. These days are included in the 10 days per calendar year.

We note that the aims of the variation are stated by the applicant to cover a multitude of event types to expand on what is currently offered. Importantly, however, the restrictions on having Regulated Entertainment mean that an event such as Meadowfest can only be held for 2 consecutive calendar days per year.

We find the applicant is responsible and is sensitive to the needs of the community. We note there are no objections from Environmental Health or Licensing and there have been no complaints in relation to noise from the Meadowfest event. Mr Bramhall has said that he has had to turn his television up with windows closed during the previous Meadowfest event. There is an existing condition in relation to having an event management plan. This previously added that it must include measures to mitigate noise nuisance. This now includes an extra part that it must include a noise management plan and also that any reasonable revision will be incorporated into the plan. The

sub committee note that an Environmental Health Officer is part of the Safety Advisory Group and with their expertise they will be able to feed into and advise on appropriate measures. It is therefore the role of the Safety Advisory Group to specify the exact measures necessary dependent on the nature of an event to tailor appropriate plans. We have also taken into account what the Malton Town Council have said. There have been no objections to increasing the number of points of sale for alcohol, we amend this condition to aid the smooth running of future events.

Signature of Chair:

A handwritten signature in black ink that reads "Michael Cleary". The signature is written in a cursive style with a large, sweeping 'C' at the end.

Cllr Michael Cleary

Date: 13th June 2022

Decision notified to all relevant parties

3 **Any other business that the Chairman decides is urgent.**

There was no other business.

The meeting started at 10:30 am and closed at 1:05 pm