



**LICENSING SUB COMMITTEE**

Monday 13 June 2022 at 10.00 am

Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH

**Agenda**

**1 Emergency Evacuation Procedure**

The Chairman to inform 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** (Pages 3 - 40)

**a Apologies for Absence**

**b Declaration of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation

**c Exempt Information**

That under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item as there would be a likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) and that under Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**d Licensing Sub Committee Hearing Procedure**

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

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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>LICENSING SUB COMMITTEE</b>
<b>DATE:</b>	<b>13<sup>th</sup> JUNE 2022</b>
<b>REPORT OF THE:</b>	<b>ENVIRONMENTAL HEALTH SERVICES MANAGER ROBERT ROBINSON</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO VARY A PREMISES LICENCE FOR THE GROUNDS, THE TALBOT, YORKERSGATE, MALTON, YO17 7AJ</b>
<b>WARDS AFFECTED:</b>	<b>MALTON WARD</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to enable the Sub-Committee to consider an application from Malton Amenity CIC t/a Visit Malton to vary a Premises Licence for The Grounds, The Talbot, Yorkersgate, Malton, YO17 7AJ where relevant representations have been received. A copy of the application is attached at Annex A and a copy of the existing premises licence including conditions is attached at Annex B.

### **2.0 RECOMMENDATION(S)**

- 2.1 It is recommended that:

- (i) the application be determined taking into account the relevant representations received, amendments / conditions proposed, the four Licensing Objectives, the Licensing Act 2003, Government Guidance issued under section 182 of the Licensing Act 2003 and Ryedale District Councils Statement of Licensing Policy and after hearing from both the applicant and any objector(s).

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 Relevant representations have been received and as officers do not have delegated powers to grant an application where a representation has been made the determination of the application now rests with the Licensing Sub Committee.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 The Licensing Authority must determine this application as prescribed by the Licensing Act 2003 and regulations made under this Act. The Licensing Authority would leave itself open to appeal or judicial review should it not comply with all legal requirements.

#### **REPORT**

#### **5.0 APPLICATION**

- 5.1 The application seeks to:

- a) Increase the number of bars/points at which alcohol may be sold to 10.
- b) Increase the maximum number of event days per calendar year to 10.

Relevant representations have been received and therefore the decision on whether or not to grant the licence now rests with the Licensing Sub-Committee.

#### **6.0 RELEVANT REPRESENTATIONS**

- 6.1 The Licensing Authority has received two representations from members of the public which are attached at Annex C, the representations are in line with the following licensing objective:

- Prevention of public nuisance

- 6.2 The representations are summarised as follows:

- That increasing the number of events would result in an unwelcome intrusion and interfere with the quiet enjoyment of their property.
- That the application may result in live music being played every weekend during the summer.
- That the grounds are surrounded by residential properties.
- That weddings held in the marquee to the rear of the Talbot already cause a disturbance.
- Request that the applicant submits a professional Noise Impact Assessment as part of the application.

- 6.3 Members should note that some of the grounds for the representations may not directly relate to the licensing objectives but have been included in the interests of openness and transparency.

#### **7.0 LICENSING POLICY AND NATIONAL GUIDANCE**

##### **Ryedale`s Licensing Policy**

- 7.1 Part 4.4 of the policy states that "The Licensing Authority shall expect every licence /certificate holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions

consistent with that responsibility. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned”.

- 7.2 Part 4.6 of the policy states that “The Licensing Authority, however, recognises that the licensing law is not the primary mechanism for the general control of nuisance, noise or anti-social behaviour particularly once individuals have left the vicinity of the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence or certificate. However licensing controls and targeted enforcement should have a positive impact on the immediate vicinity of the licensed premises and assist in the management of the evening and night time economy”. In addition 4.7 states “The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Gambling Act 2005, the Equality Act, The Clean Neighbourhoods and Environmental Act 2005, Health and Safety at Work, etc. Act 1974, Environmental Protection Act 1990, the Noise Act 1996 and the Regulatory Reform (Fire Safety) Order 2005, etc.”.
- 7.3 Section 21.1 states “The Operating Schedule is a key part of the application form whereby applicants may volunteer appropriate conditions to demonstrate compliance of the licensing objectives by describing the steps they intend to take to promote these objectives. These volunteered conditions will then form conditions on the Premises Licence or Certificate. In completing an Operating Schedule, applicants are expected to have regard to this policy”. Section 21.4 states that “In completing their Operating Schedule the Licensing Authority suggest an applicant consider the following and goes on to give a list of measures applicants may like to consider for all four of the licensing objectives when completing their operating schedules eg CCTV, door supervisors etc”. Finally Section 21.5 states that “These lists (contained in 21.4) are not exhaustive and advice can be obtained from the relevant responsible authority. However, applicants are reminded again to contact the relevant Responsible Authority to seek their expert advice before an application is submitted to the Licensing Authority”.

## National Guidance

- 7.4 **PUBLIC NUISANCE** Paragraph 2.15 of the Guidance states “The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this Licensing Objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter”. Paragraph 2.16 adds “Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises”.

## **8. OPTIONS**

8.1 The Licensing Sub Committee has the following options:

- a) Reject the application.
- b) Grant the licence as per the application.
- c) Grant the licence as per the application with additional conditions.

## **9.0 DETERMINATION OF THE APPLICATION**

9.1 Under section 17 of the Crime and Disorder Act 1998 (CDA), the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. Members must also exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998, and the principles of natural justice. Members are invited to determine this application following consideration of the evidence presented to them. The procedure for this hearing is available on the Council's website.

### **ROBERT ROBINSON ENVIRONMENTAL HEALTH SERVICES MANAGER**

**Author:** Mark Heaton. Senior Licensing Officer  
**Telephone No:** 01653 600666 Ext: 43256  
**E-Mail Address:** mark.heaton@ryedale.gov.uk

#### **Background Papers:**

Licensing Act 2003  
National Guidance issued under Section 182 of the Licensing Act 2003  
Ryedale District Council Statement of Licensing Policy March 2019



\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Meadowfest-2	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
<p>Are you an agent acting on behalf of the applicant?</p> <p><input type="radio"/> Yes      <input checked="" type="radio"/> No</p>		<p>Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.</p>

**Applicant Details**

* First name	Mark	
* Family name	Brayshaw	
* E-mail	<b>REDACTED</b>	
Main telephone number	<b>REDACTED</b>	Include country code.
Other telephone number		
<p><input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone</p>		
<p>Are you:</p> <p><input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader</p> <p><input type="radio"/> Applying as an individual</p>		<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.</p>

**Applicant Business**

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Note: completing the Applicant Business section is optional in this form.</p>
Registration number	7578725	
Business name	Malton Amenity CIC t/a Visit Malton	If your business is registered, use its registered name.
VAT number	<input style="width: 40px;" type="text" value="GB"/> <input style="width: 100px;" type="text" value="307 7340 14"/>	Put "none" if you are not registered for VAT.
Legal status	Public Limited Company	

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Address Description**

**Premises Contact Details**

**You must enter a telephone number**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises has been used as a venue for the music festival known as Meadowfest since July 2019. The capacity for Meadowfest has been set at 5000 but even with half this number of attendees in July 2021 it became apparent that the number of bars was insufficient for the smooth running of the event. The first proposed variation is therefore to increase the number of bars/point of alcohol sales to ten. A second variation is to increase the maximum number of events per year to ten

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

### Section 8 of 18

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

### Section 11 of 18

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The following conditions would be removed from the section titled 'The times the licence authorises the carrying out of licensable activities':

Alcohol may be sold or supplied:

a. For one Saturday only in the July of each year between the hours of 09:00 and 22:00  
Provision of Regulated Entertainment by way of Live Music, Recorded Music, Performance of Dance, Plays, or anything of a similar description to live music, recorded music or performance of dance.

a. For one Saturday only in the July of each year between the hours of 09:00 and 22:00

The following condition would be removed from the section titled 'The opening hours of the premises': One Saturday only in the July of each year between the hours of 09:00 and 22:00

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

*Continued from previous page...*

## LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- 1) This premises licence shall authorise licensable activities on a maximum of 10 event days per calendar year.
- 2) The Premises Licence Holder will comply with the terms and requirements of the Event Management Plan. The plan shall include (but not be limited to):
  - The security provision e.g. numbers/position of SIA registered door supervisors/stewards
  - Method of site communication e.g. radios
  - Age verification policy
  - Method of incident reporting/recording
  - Details of regulated entertainment being provided and measures to mitigate noise nuisance
  - Measures to disperse attendees
  - Management of refuse
- 3) The Event Management Plan will be submitted to the local Safety Advisory Group at least 8 weeks prior to each event.
- 4) 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.

b) The prevention of crime and disorder

- 5) All alcohol sales will be in non-glass vessels unless sold in sealed containers.
- 6) At least one personal licence holder will be on site at all times whilst licensable activities are taking place.
- 7) There shall be no more than 10 bars/point of sales at the event.
- 8) Alcohol must be sold more from a fixed structure, no mobile sales are permitted.
- 9) The premises shall operate a 'Challenge 21' age verification policy.
- 10) A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
  - Retail sale of alcohol;
  - Age verification policy;
  - Conditions attached to the premises licence;
  - Permitted licensable activities;
  - Opening times for the premises

With such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and run from the date of the particular entry];

- 1) 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 of these documents shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.

c) Public safety

*Continued from previous page...*

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d) The prevention of public nuisance

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e) The protection of children from harm

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**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time.

Capacity 5000-9999	£1,000.00
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Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the  
\* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/ryedale/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Meadowfest-2"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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**Public Register  
Premises Licence**

**Premises licence number:**

**19/00274/PREM**

**Part 1 – Premises details**

Postal address of premises, or if none, Ordnance Survey map reference or description

**The Grounds, The Talbot, Yorkersgate**

Post town **Malton**

Post code **YO17 7AJ**

Telephone number

01653 692849 - **REDACTED**

Where the licence is time limited the dates

Licensable activities authorised by this licence

**Sale by Retail of Alcohol**

**Provision of Regulated Entertainment by way of Live Music, Recorded Music, Performance of Dance, Plays, or anything of a similar description to live music, recorded music or performance of dance.**

The times the licence authorises the carrying out of licensable activities

**Alcohol may be sold or supplied:**

- a. **For one Saturday only in the July of each year between the hours of 09:00 and 22:00**

**Provision of Regulated Entertainment by way of Live Music, Recorded Music, Performance of Dance, Plays, or anything of a similar description to live music, recorded music or performance of dance.**

- a. **For one Saturday only in the July of each year between the hours of 09:00 and 22:00**

The opening hours of the premises

**One Saturday only in the July of each year between the hours of 09:00 and 22:00**

Where the licence authorises supplies of alcohol whether these are on and/or off supplies  
**On Supplies**

Public Register

## Part 2

Name, (*registered*) address, telephone number and email (*where relevant*) of holder of premises licence

**Malton Amenity Community Interest Company**  
**Estate Office**  
**88 Old Maltongate**  
**Malton**  
**YO17 7EG**

Registered number of holder, for example company number, charity number (*where applicable*)

**07578725**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Caroline Anne Anderson**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

**CYC 054328 - City of York Council**

## Annex 1 – Mandatory conditions

### Mandatory Conditions with regard to the supply of alcohol

- 1) No supply of alcohol may be made under the premises licence-
  - a) at a time when there is no designated supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Mandatory Conditions with regard to the exhibition of films

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3) Where
  - a) The film classification body is not specified in the licence, or
  - b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

- 4) In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification)

### Mandatory Conditions with regard to door supervision

- 1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001:or
  - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
- 2) But nothing in subsection (1) requires such condition to be imposed:
  - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - b) in respect of premises in relation to :
    - i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club premises certificate, under temporary event notice authorising films or under a gaming licence), or

- ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purpose of this section:
  - a) (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act.
  - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Conditions with regard to age verification policy

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- 2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - a) a holographic mark; and
  - b) an ultraviolet feature

Mandatory Conditions with regard to permitted price

- 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2) For the purposes of this condition:
  - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - b) “permitted price” is the price found by applying the formula-  

$$P=D+(D \times V)$$
 where
    - i. P is the permitted price,
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
    - i. The holder of the premises licence,
    - ii. The designated premises supervisor (if any) in respect of such a licence, or
    - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on

the premises in a capacity which enables the member or officer to prevent the supply in question; and

- e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).
- 3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4) (1) Sub-paragraph (2) where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### Mandatory conditions with regard to Irresponsible drinks promotions

- 1) The responsible person *must* ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
- a) games or other activities which require or encourage, or are designed to require or encourage individuals to-
    - i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 3) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory conditions with regard to alcoholic drink measures

- 1) The responsible person must ensure that;
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - i) Beer or cider: ½ pint;
    - ii) Gin, rum, vodka or whisky: 25ml or 35 ml; and
    - iii) still wine in a glass: 125 ml;
  - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Public Register

## Annex 2 – Conditions consistent with the operating schedule

- 1) The proposed event will be family themed music / arts event which will operate for 1 day in July each calendar year.
- 2) A documented staff training programme shall be provided to all members of staff at the premises in respect of the:
  - Retail sale of alcohol;
  - Age verification policy;
  - Conditions attached to the premises licence;
  - Permitted licensable activities;
  - Opening times for the premises

With such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and run from the date of the particular entry];

- 3) The event will be covered by a documented Event Management Plan. The Premises Licence Holder shall comply with the terms and requirements stated within the plan. The plans shall specify:-
  - The security provision e.g. numbers/position of SIA registered door supervisors/stewards
  - Method of site communication e.g. radios
  - Age verification policy
  - Method of incident reporting/recording
  - Details of regulated entertainment being provided and measures to mitigate noise nuisance
  - Measures to disperse attendees
  - Management of refuse
- 4) The Event Management Plan and any revisions to this plan will be submitted to and agreed by the local licensing authority, North Yorkshire Police licensing (in conjunction with the local Safety Advisory Group) at least 8 weeks prior to the event taking place each year.
- 5) All alcohol sales will be in non-glass vessels.
- 6) A personal licence holder shall be on duty at each bar/alcohol sales point during permitted hours relating to the sale of alcohol.
- 7) There shall be no more than 2 bars/point of sales at the event.
- 8) Alcohol must be sold more from an appropriate fixed structure e.g. beer tent or stall. No mobile sales are permitted.
- 9) Regulated entertainment shall cease by 22:00 hours.
- 10) The only acceptable proof of identification shall be a current passport, photocard driving licence or identification carrying a PASS logo.
- 11) The premises shall operate the Challenge 21 policy for sale of alcohol.

12) 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 of these documents shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.

Public Register

Public Register

Annex 4 – Plans

As attached.

Public Register



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## Mark Heaton

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**From:** Karon Bramhall <REDACTED>  
**Sent:** 10 May 2022 11:37  
**To:** Cllr Michael Cleary; Jill Thompson; Mark Heaton; Robert Robinson; John Wardell  
**Subject:** Objection to Licensing Application

I write to object to Malton CIC's application no. 1900274/PREM to vary their current licence to increase the number of a live music events in the field to the side of the Talbot Hotel.

The application is to hold UP TO 10 such live music events, with a consequent increase in alcohol sale points.

Living at **REDACTED** York Road, our house backs on to the fields below and we already suffer noise pollution in the summer months from weddings held in the outside marquee to the rear of the Talbot, despite a sound baffle being part of the original consent I believe. If it is in use then it does not work. The noise levels are such that you can hear the disco and also best man speeches over their sound system - for each wedding held in the summer.

Then we have the all day Meadowfest with live bands - literally at the bottom of our garden and those of our neighbours. The geographical location of the field, in a natural amphitheatre basin, guarantees that the sound hits the houses on York Road with those adjacent to the Talbot suffering the most. I would imagine the housing over the river is also subject to this inconvenience, (on quiet summer evenings you can actually hear a conversation on the other side of the river, such is the ability of the sound to carry).

If this licence is granted, a live music event could be held EVERY WEEKEND during the summer. The field next to the Talbot, surrounded by residential properties, is not the place for such events.

I am sure the Estate could find an alternative site in Malton which does not entail disrupting residents' lives if it wishes to host outdoor music festivals as an ongoing venture.

I don't mind a weekend of disruption in support of the town and the enjoyment of the residents, but beyond that it would be an unwelcome intrusion and interference with our quiet enjoyment of our property.

Please refuse this application.

K Bramhall

## Mark Heaton

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**From:** Mark Bramhall <REDACTED>  
**Sent:** 10 May 2022 12:42  
**To:** Mark Heaton  
**Cc:** REDACTED  
**Subject:** Letter of OBJECTION to the application to vary licence 19/00274/PREM  
**Attachments:** Licence layout 19\<00274\<PREM.pdf

REFERENCE EML-OUT/0011/20220510-123303-849

Dear Mark,

I earlier copied you into an email of objection more widely distributed. To make sure this is properly recorded I now submit this to you formally so that my views might be taken into consideration when assessing the application.

OBJECTION TO APPLICATION - REDACTED York Road, Malton, YO17 6AU

We have been happy to support the Estate in their promotion of the town through the Meadow Fest event and continue to do so. During the day each year we are happy to listen to the festival music but I must point out that to do anything else (such as watch the television) all windows must be closed and we need to turn up the volume to hear it. This can be hot in summer and the sound still conflicts with our viewing.

For one weekend of the year we feel that this is an acceptable disruption.

The application under consideration would, if approved, allow the Malton Amenity CIC or their successors to put on a similar event every weekend from June through to August and I think that this is an unreasonable imposition on neighbours. **I consequently object to the part of the application that allows for multiple events up to ten.** I do not object to the first variation to increase the number of bars/points of alcohol sales.

I would also like to point out that on top of the disruption caused by Meadow Fest we are also disturbed by amplified music from the wedding tent. Whilst this is further away and the noise suppressed it is clearly audible and adds to the number of days of disruption we already face.

Given my involvement in the planning process I find it perverse that something as impactful on neighbours as a music festival can have such little consideration? The only notice I could find last week was on private land in the car park adjacent to York House. Notices now seem to have been put up elsewhere. I had to have details of the application sent to me as no online facility exists for licence applications.

Whilst it may not be a legal requirement we request that the applicant submit a professional Noise Impact Assessment to demonstrate to residents and the Licensing Committee, the dB level of the amplified music promoted (including announcements), and the dB level of that sound at our house windows and those of our close neighbours on York Road. I am sure that the residents of Riverside View will be similarly affected. I have not measured the volume from previous events but I suspect that it contravenes the 65dB(A) limit for a 15 minute period set out in table 1 of the Code of Practice (Environmental Noise Control at concerts).

The original (approved) licence for use of the site for live music (for just two days) includes a location map with arrows showing the direction of travel of the amplified sound from the proposed stage area. The sound arrows aim directly at my house windows and those of my neighbours. I attach an annotated version for your ease of reference.

**I appeal to the Licensing Committee to refuse the application to increase the number of events per year. I also hope that in future better protocols are put in place to ensure proposals such as these are more widely consulted upon and considered.**

Kind regards

Mark

**Mark Bramhall** BA (Hons) MA RCA RIBA

Director

**REDACTED**



The Maltings, Malton

North Yorkshire

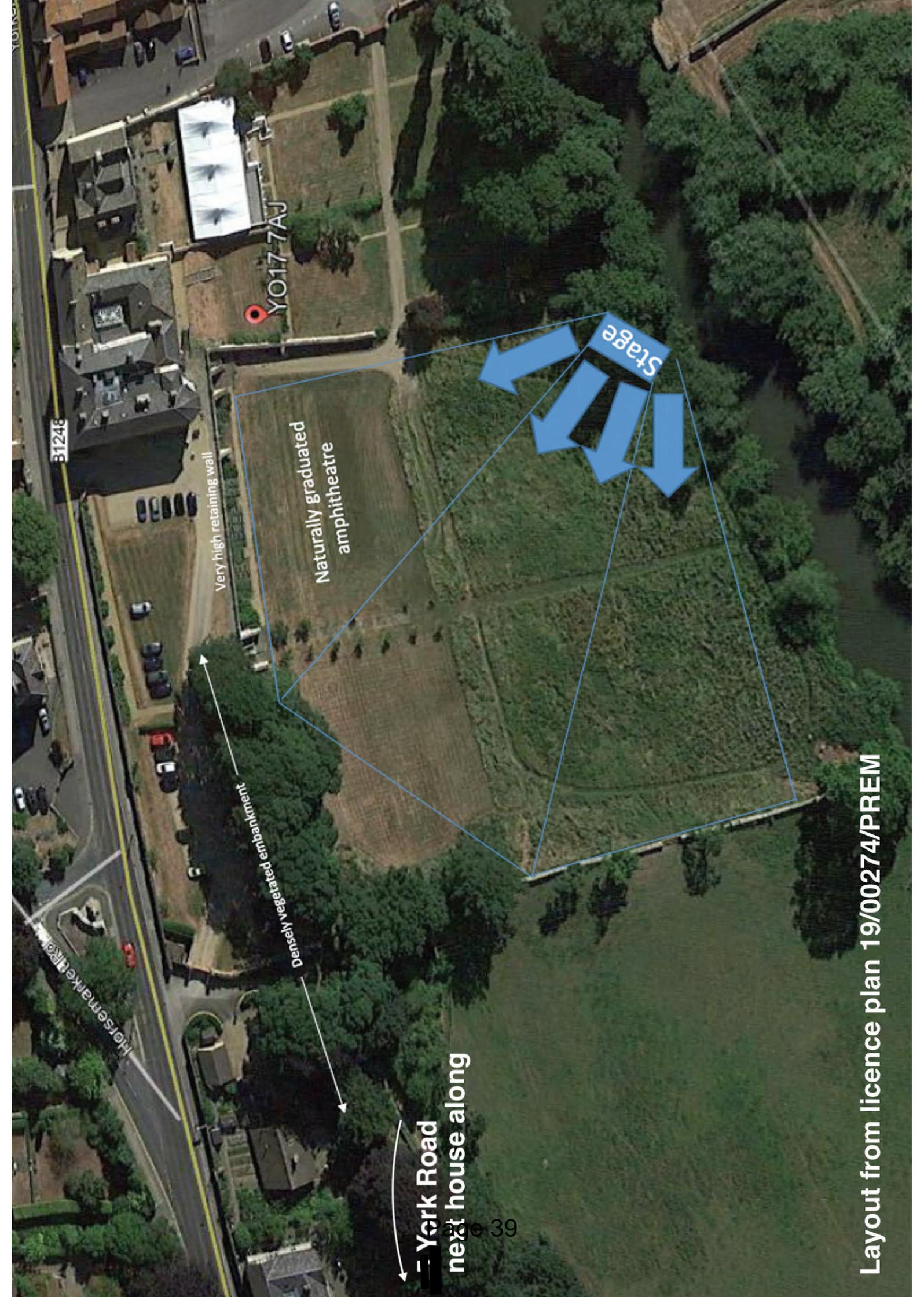
YO17 7DP

**REDACTED**

**REDACTED**

**REDACTED**

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YO17-7AJ

51248

Very high retaining wall

Naturally graduated amphitheatre

Stage

Densely vegetated embankment

Yerk Road  
next house along

Layout from licence plan 19/00274/PREM

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## Ryedale District Council

### LICENSING SUB COMMITTEE PROCEDURE

#### 1. INTRODUCTION

- 1.1 The following procedure applies to the licensing sub committees established by the Licensing Committee of the Ryedale District Council acting as the licensing authority.

#### 2. MEMBERSHIP

- 2.1 Each licensing sub committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. If the Licensing Committee has not already done so, the Licensing Sub- Committee shall elect a chairman and vice chairman at its first meeting following the annual meeting of the Council in each year and the chairman shall preside at hearings of that sub committee until the ensuing annual meeting. In the event of the chairman or the vice chairman not being present at a hearing, the sub committee shall elect a chairman from amongst its members for the purpose of that hearing or meeting.
- 2.2 The quorum for hearings and meetings of a sub committee shall be three members.
- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub committee. If a member of a sub committee is required to leave a hearing temporarily, the chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. The meeting shall commence upon the return of the absent member.
- 2.4 A Member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, club premises certificate, temporary events notice or personal licence where either the premises or the person is resident in the Ward which he represents.

#### 3. NOTICE OF HEARINGS

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of the the Licensing Act 2003 (Hearings) Regulations 2005 as amended . For the purposes of this procedure, a party is defined as an applicant for a licence, a responsible authority or person or business that has submitted relevant representations in respect of an application and, in certain additional instances, the chief officer of police. **Any party who attends the hearing may be assisted or represented by any person whether or not that person is legally qualified.**
- 3.2 The notice of the hearing shall be accompanied by a copy of this procedure, which sets out
- the right of attendance at a hearing by a party and the right to submit representations etc.
  - the consequences if a party does not attend or is not represented at a hearing
  - the procedure to be followed at the hearing
- 3.3 The notice of the hearing will also be accompanied by copies of the documents required by the Hearings Regulations and any particular points upon which the Licensing Officer considers that clarification is needed from a party at the hearing.

#### 4. ACTION FOLLOWING RECEIPT OF NOTICE OF HEARING

4.1 In the interests of timely, efficient and cost-effective decision making the Licensing Authority request that all parties make full disclosure in advance of all information they intend to present at the hearing. Failure to do so may result in its admissibility being challenged and the information not being admitted.

Upon receipt of a notice of a hearing, a party is required to notify the licensing authority whether he intends to attend or be represented at the hearing, whether he intends to call a witness at the hearing, the name of the witness to be called (if any) and whether he considers the hearing to be necessary. A party should notify the licensing authority within the following timescales-

- 1 working day of the hearing in the case of a cancellation of an interim authority notice following police objections or a counter notice following police objection to a temporary events notice;
- 2 working days of the hearing in the case of a review of a premises licence or the conversion of an existing licence or club premises certificate or an application by the holder of a justices' licence for a personal licence; or
- 5 working days of the hearing in all other cases.

4.2 A sub committee may dispense with the holding of a hearing if all of the parties have given written notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the Licensing Officer ( or other Officer with delegated powers under the Licensing Act 2003) of the Council shall give notice to the parties that the hearing has been dispensed with.

4.3 Where a hearing has been dispensed with, the matter that was to have been the subject of the hearing may be determined under the Officers Scheme of Delegation.

## **5. WITHDRAWAL OF REPRESENTATIONS**

5.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

## **6. EXTENSION OF TIME**

6.1 The Sub-Committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.

6.2 The Sub-Committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.

6.3 In considering any extension of time or adjournment, the Sub-Committee will not exercise its powers so that an application is deemed as granted or rejected in accordance with the transitional arrangements specified in the Act.

## **7 FAILURE OF PARTIES TO ATTEND A HEARING**

7.1 Where a party has informed the Licensing Authority that he does not intend to attend or be represented the hearing may proceed in their absence.

7.2 Where a party who has not so indicated their intentions fails to attend or be represented at a hearing the Licensing Act 2003 Sub-Committee may -

7.2.1 where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or

7.2.2 hold the hearing in the party's absence.

- 7.3. Where a hearing is held in the absence of a party, the Licensing Act 2003 Sub-Committee will consider any application/representation/ or notice made by that party but may consider that lesser weight be given to such evidence.

Where a hearing is adjourned to a specific date the Licensing Authority will notify the parties of the date, time and place to which the hearing has been adjourned.

**PROCEDURE FOR THE HEARING OF EVIDENCE IN RESPECT OF LICENSING  
APPLICATIONS WHERE REPRESENTATIONS HAVE BEEN RECEIVED**

**INTRODUCTIONS AND PRELIMINARY MATTERS**

1. At the commencement of the hearing the **Chairman** will take the following steps:
  - (a) **The Chairman** will introduce him/herself and the other members of the Sub-Committee, the Clerk to the Sub-Committee, the Licensing Officer, Legal Advisor and any Officers present.
  - (b) **The Chairman** will ask the parties and representatives to introduce themselves and provide information as to the names of any witnesses they will be calling. At this point, the Chairman will satisfy himself/herself as to whether a representative has been appointed on behalf of those raising a representation and if not, will establish which of the representators wishes to speak. The Chairman will establish whether it is possible to appoint one representative to represent the view of all those raising a representation to present the views of all present.
  - (c) **The Chairman** will explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarification or explanation about its contents.
  - (d) **The Chairman** will remind those present of the proposed time limits;
  - (e) **The Chairman** will advise those present that any **opening statements will be brief** as all parties will have had the opportunity to make detailed written submissions and to consider the submissions of other parties, and
  - (f) **The Chairman** will advise those present that additional information produced at the Hearing **without prior disclosure** between the parties **may not be heard** if following objections to its submission the Sub-Committee so determine.
  - (g) **The Chairman** will ask if proposed conditions of licence have been agreed between all parties should the application be granted emphasizing that these are circulated without prejudice to the decision of the Sub-Committee;
  - (h) **The Chairman** will remind the parties 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 and the protection of children from harm.
  
2. **The Licensing Officer** (or other Officer with delegated powers under the Licensing Act 2003) will at the invitation of the Chairman outline the details of the application, representations and any relevant part of the Statement of Licensing Policy . (All documentation will have been circulated prior to the hearing.)

**PRESENTATIONS**

**(Members of the Sub Committee and the legal adviser to the Sub Committee may ask questions of any party at any stage during the hearing).**

**The Chairman** will lead all parties to follow the following procedure and the sub-committee may allow cross examination if it determines that it is required for it to consider the representations, applications or notice as the case may be:

3. **Applicant** (or representative) - opening statement and, if notice has been given, call witnesses.  
The Chairman will invite the applicant or his representative to address the Sub-Committee on his application and to call any witnesses in support of his application. The applicant will normally be allowed a maximum period of time of **twenty minutes** in which to address the sub committee and call witnesses.
4. **Cross examination of the applicant/witnesses** by: (a) 'Responsible Authorities' and (b) Others who have submitted written representations.
5. **'Responsible Authorities'** (or representative) - opening statement and, if notice has been given, call witnesses. Each party will normally be allowed a maximum period of time of **twenty minutes** in which to address the Sub-Committee and call witnesses
6. **Cross examination of the 'Responsible Authorities'/witnesses** by: (a) the Applicant and (b) Others who have submitted written representations, [If there is more than one 'Responsible Authority' making representations steps (5) and (6) will be repeated for each Authority.]
7. **Interested Parties who have made written representations** (or representative) - opening statement and, if notice has been given, call witnesses. Each party will normally be allowed a maximum period of time of **twenty minutes** in which to address the Sub-Committee and call witnesses
8. **Cross examination of Interested Parties/witnesses** by: (a) the Applicant and (b) 'Responsible Authorities'.
9. **Interested Parties who have made written representations but who are not present**  
Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, the parties present will be invited by the Chairman to indicate whether they wish to comment on the representations submitted.
10. **SUMMING UP** - All parties may be afforded the opportunity to sum up their case (but not to introduce any new evidence) in the following order: (a) 'Responsible Authorities', (b) Interested Parties and (c) Applicant. Each party will normally be allowed a maximum period of time of **three minutes** to sum up.
11. Advice from Licensing Officer on licensing policy and/or Legal Advisor on law and jurisdiction.

#### **THE DECISION MAKING PROCESS**

12. The Public and press and all parties will be excluded from the meeting whilst the Sub-Committee deliberates in private in the presence of the Clerk. The Sub-Committee may call in its Legal Advisor to help draft reasons for decision.
13. The Sub-Committee will invite all parties, the Public and press into the meeting and the Chairman will normally announce its decision and the reasons for it and that the decision will be confirmed in writing to the parties at the earliest opportunity.

## **THE HEARING – FURTHER RULES OF PROCEDURE**

- 14 The Sub-Committee may resolve to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public.
- 15 Subject to the rules about advance notice above,. a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 16 If, in his/her opinion, the Chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the Chairman, a party is being repetitious, vexatious or slanderous in his remarks, the Chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chairman shall be final in such circumstances.
- 17 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the chairman may specify. However any such person may submit any evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.
- 18 Where there is more than one Interested Party making relevant representations, it may be helpful for the Interested Parties to choose a spokesperson to ensure that all views are represented in a reasonable time.

## **DETERMINATION OF APPLICATIONS**

- 19 At the conclusion of the hearing, the Sub-committee will determine the application in accordance with the timescales specified in the Licensing Act 2003 (Hearings) Regulations 2005 as amended but, in any event, will endeavour to do so as soon as practicable after the hearing has concluded.
- 20 The licensing authority will notify the applicant and parties of its decision forthwith upon the making of the decision.

## **MEETINGS OF THE SUB COMMITTEE**

- 21 Any meetings of the Sub-Committee, other than hearings described above, shall be subject to the proceedings adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.