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Licensing Sub Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 31 May 2012

Present

Councillors Clark, Hicks and Hope

In Attendance

Fiona Brown, Nicki Lishman and Ronnie Maclure

Minutes

1 **Declarations of Interest**

Councillor Hope declared a personal but not prejudicial interest in the item as he knew one of the attendees.

2 **To determine an application for a Premises Licence from Mrs S Wreglesworth for High Dalby House, Dalby, North Yorkshire, YO18 7LP**

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 submissions, the Sub-Committee so determined.

With the agreement of all parties, additional information was presented by the applicant to the Sub-Committee which included;

- Exhibit A1 – view of access junctions to High Rigg and High Dalby House
- Exhibit A2 – view of geography of High Dalby House, High Rigg and Dalby Forest Lodges
- Exhibit A3 - view as above
- Exhibit A4 – view of second access road leading to Pickering to Whitby road
- Exhibit A5 – plan of available parking spaces without parking on lawns
- Exhibit A6 – Copy of Operating Schedule and Fire Risk Assessment
- Ground floor plan of High Dalby House

- Plan showing parking places and potential additional emergency parking spaces on grassed areas at High Dalby House

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

- The prevention of crime & 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.

The purpose of the report was enable the Licensing Sub-Committee to determine an application for a new Premises License at High Dalby House, Dalby, Pickering, YO18 7LP, 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 the Council's Statement of Licensing Policy and after hearing from both the applicant and any persons who have submitted relevant representations.

The premises were currently unlicensed and the applicant sought a license for the supply of alcohol to residents of either the guest house or cottages 24 hours each day and the supply of alcohol to non-residents of the guest house or cottages each day between the hours of 10:00 and 23:00 including a 30 minute drinking up time.

One of the interested parties representation was concerned with the prevention of crime and disorder and public safety licensing objectives. The other party was concerned that all four licensing objectives were not being promoted.

Mr Wreglesworth (representing his wife, the applicant) was first to address the Sub Committee. He spoke initially about the reason they purchased the property and gave some general information relating to tourism figures and traffic movements within Dalby Forrest and the National Park area. He then gave details of how High Dalby House would operate with direct reference to the sale of alcohol.

Mr Wreglesworth stated that for residents of the house and guest cottages alcohol would be supplied by means of an honesty fridge (similar to a mini bar operated in hotels). This fridge would be located outside the owners accommodation (they live on site) where its use could be monitored. If they found excessive useage by individual guests, action would be taken. The

fridge contents would also be strictly controlled. Guest accommodation at these premises is to be restricted to adult use only.

Non residents attending events would be served by Mrs Wreglesworth (DPS) and would be subject to a recognised proof of age check. Mr Wreglesworth stated that he did not feel that some of the issues raised in the representations actually affected the promotion of the four licensing objectives and felt that both representations were made on a commercial basis, that their new business would take trade away from both interested parties (caravan site and log cabin businesses).

Mr Wreglesworth then went on to speak about his right to use the private road which linked his property to the Pickering-Whitby road. Councillors had no questions for Mr Wreglesworth, Mrs Cowley raised several questions in relation to persons using his premises after the 18:30 hours time restriction (see representation for details).

Mr Laley was then asked by the chairman to address the Sub Committee, Mr Laley declined, implying that Mrs Cowley would include in her address what he wanted to say.

Mrs Cowley then addressed the Sub Committee. She firstly stated that she was not opposed to the premises being licensed for residents only, she was only opposed to the licence being granted for non-residents of the premises. She felt that the increase in traffic flow would cause her a nuisance as they passed her home. She was also very concerned that the quietness of the forest would be affected if a licence was granted.

Mr Wreglesworth then asked whether Mr Laley or Mrs Cowley restricted the guests who use their accommodation to a 18:30 cutoff. Mr Laley said he asked all guests to be back at the caravan park for 22:00 hours and that he locked the site a little later. Mr Wreglesworth then returned to his right to use the road (which passes through his property) and which meets the main Pickering – Whitby road. Mrs Cowley stated this was a bridle way but Mr Wreglesworth again stated his right to use it. There was some further discussion with regard to the status of the “quietness of the forest” and what this meant but Mr Wreglesworth wondered if this was relevant to any of the four licensing objectives.

The interested parties and the applicant were then asked to make a final statement which they did and the Committees legal advisor then asked through the chairman if everyone was happy and had they said everything they wanted to say. Following this the Sub Committee accompanied by the Committee’s legal advisor and clerk retired to consider the application, after which the following decision was announced:

DECISION

That the application for a new Premises License for High Dalby House, Dalby, Pickering, YO18 7LP be granted and that a written copy of the decision would be sent to all parties

REASONS

The evidence presented to the Sub-Committee both written and verbal did not persuade members of the Sub-Committee that there was sufficient evidence that the four licensing objectives were not being promoted by the applicant.