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Licensing Sub Committee

Held at Council Chamber, Ryedale House, Malton
on Tuesday 10 September 2013

Present

Councillors Mrs Frank, Hope (in the Chair) and Walker

Sergeant M France (North Yorkshire Police Licensing Unit)
Mr R Sharman (The Pickering Exhibition and Leisure Village)

In Attendance

Ronnie McClure, Nicki Lishman and Fiona Brown

Minutes

1 **Declarations of Interest**

There were no declarations of interest.

2 **To determine whether to grant a Temporary Event Notice where an objection notice has been given by North Yorkshire Police. Applicant Mr Richard Sharman**

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.

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 to enable the Licensing Sub-Committee to consider an objection notice served on the Licensing Authority by North Yorkshire Police (relevant person) in respect of the notice of a temporary event to take place at The Showground Bar – Main Building – Ground Floor, The Pickering Exhibition and Leisure Village, (Pickering Showground), Malton Road, Pickering, YO18 8EA and, having regard to the objection notice, to

consider whether the premises user should be served with a counter notice to ensure the promotion of the licensing objectives.

Sergeant M France, Police Licensing Unit Manager, gave a statement outlining that the Police were objecting to the Temporary Event Notice application on the grounds of public safety.

A fire safety audit undertaken by North Yorkshire Fire and Rescue Service found a number of deficiencies and resulted in an unsatisfactory letter being served. The audit found inadequate fire precautions, systems, policies and emergency lighting were in place.

The objection by the Police stated that all safety requirements must be in place to protect the public and prevent any dangers.

Mr Sharman, representing The Pickering Exhibition & Leisure Village, responded that the company was working with the Fire Authority to resolve the issues identified in the audit, including the fitting of a new alarm system by the end of the week. He requested that the TEN be granted based on the work being approved by the Fire Authority, who would undertake an inspection during the planned event.

After consideration, the Council's Assistant Solicitor advised that it was not possible, based on the Licensing legislation, to make the granting of the TEN conditional on completion of these works.

Following the debate, the Sub Committee retired to consider the application accompanied by the Committee's legal advisor, to advise on points of law, and the clerk, after which the following decision was announced:

DECISION

The Council would be issuing a counter notice as it was satisfied, based on the evidence put forward at the hearing and having heard from the Police and the applicant, that if the premises were allowed to be used in accordance with the Notice, the public safety licensing objective would be undermined due to the issues raised by the Fire Authority following a fire safety audit of the premises on 30 August 2013.