

# Minutes

## Licensing Sub-Committee

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Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Tuesday, 25 October 2022
Time:	10.00 am
Present:	Councillors R Sweeting, J Mackman and S Duckett
Officers present:	Jade Reynolds, Solicitor and Legal Advisor to the Sub Committee, William Donaldson, Trainee Solicitor, Sharon Cousins, Licensing Manager; and Dawn Drury, Democratic Services Officer
Others present:	Ash Tree Inn, London Road, Barkston Ash, Leeds, LS24 9PP, Christine Martin, Applicant.

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### 1 ELECTION OF CHAIR

It was proposed, and seconded, that Councillor Richard Sweeting be elected as Chair for this meeting.

**RESOLVED:**

**To appoint Councillor Richard Sweeting as Chair for this meeting.**

### 2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 3 DISCLOSURES OF INTEREST

There were no disclosures of interest.

### 4 MINUTES

The Committee considered the minutes of the meetings held on 28

October 2021 and 21 December 2021.

**RESOLVED:**

**To approve the minutes of the Licensing Sub-Committee meetings held on 28 October 2021 and 21 December 2021.**

**5 PROCEDURE FOR LICENSING HEARINGS**

The Committee noted the Licensing hearing procedure.

**6 APPLICATION FOR A PREMISES LICENCE FOR THE ASH TREE INN, LONDON ROAD, BARKSTON ASH, LEEDS, LS24 9PP**

The Chair introduced all the parties present at the meeting and summarised the Licensing hearing procedure which had been circulated as part of the agenda pack. The applicant confirmed that she had received a copy of the hearing procedure.

The Chair confirmed that the Committee had viewed the four clips of video footage which had been provided by one of the representors.

The Licensing Manager presented the report which outlined the details of the application for the determination of a premises licence for the Ash Tree Inn, London Road, Barkston Ash, Leeds, LS24 9PP. The hearing had been necessitated by representations which had been received from three members of the public.

The Sub-Committee heard that the application was to permit the sale of alcohol, regulated activity and late-night refreshments, at the designated premises, on the days and times as detailed within the report.

It was confirmed that a consultation had been carried out by the applicant in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, and that the applicant had complied with all the statutory requirements.

The Licensing Manager informed Members that the Responsible Authority Environmental Health Team had originally made a representation, however this had since been withdrawn as conditions had been agreed between Environmental Health and the applicant. The necessary amendments had been incorporated into the operating schedule following these representations and formed the conditions of any granted licence.

In relation to the agreed condition taking into consideration a noise impact assessment for external amplified music of a live events space, identified as condition number 21 within appendix 11, the draft premises licence. The Licensing Manager stated that clarity had been sought from the Environmental Health Team on what measures were specifically required by that particular condition; it was confirmed that the following six measures must be put in place by the applicant: -

1. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level approved in writing by the appropriate officer of the Council.
2. All doors and windows in the marquee should be kept closed during operational hours, except when access was required.
3. Mechanical door closers shall be installed and an alternative means of ventilation during hot days may be required.
4. Site staff shall be made aware that they are working in the vicinity of noise-sensitive receptors and avoid all unnecessary noise due to elevated music levels, opening of doors and windows or excessive noise from patrons.
5. The Designated Premises Supervisor (DPS) shall implement strict staff rules to ensure that the staff immediately respond to unnecessary elevated noise levels.
6. All operational staff will be responsible for reporting any noise problems immediately to the DPS.

Members noted that the three people who had made representations against the application had all objected on the grounds of the prevention of public nuisance objective.

In response to a query from the Solicitor regarding noise impact condition number 21 and if the six measures contained within the condition had been agreed between the applicant and Environmental Health, the Licensing Manager confirmed that the six measures had been agreed between the parties, and that the conditions had been taken from the Nova Acoustics report.

The Sub-Committee listened to evidence from the two tenants of the Ash Tree Inn, who spoke on behalf of the applicant, Mrs Martin.

The tenants explained that they had taken over the management of the public house during the Covid-19 pandemic, and that the marquee was a temporary structure which had been erected to aid with social distancing for patrons, following government guidance which was in force at that time.

The tenant informed Members that comments had been received from local residents in relation to noise disturbance from the premises in the past, and that to mitigate this a specific performance space had been created in the beer garden which was undercover and had been modified with soundproofing materials to minimise the noise. It was noted that following a recent function held at the premises, the tenants had spoken with the neighbour closest to the public house, who had confirmed that

they could not hear noise from the premises on the day in question.

The tenant explained that the public house was first and foremost a gastro dining public house and that the aim of the application for the premises licence was purely to allow for music to be played at any potential private functions. It was further explained that the marquee would be taken down when not in use for hosting functions, and that, at present, there were no advance bookings for any functions in the marquee until July 2023.

At the Chairman's request the Licensing Manager clarified that in regard to the playing of music at the premises, if the licence was not to be granted today, then the applicant would still be allowed to play live and recorded music between the hours of 8.00 am to 11.00 pm, so long as the sale of alcohol was permitted during those times, due to the Deregulation Act that came into effect in 2015.

Members asked a number of questions in relation to the marquee, the noise limiting device, the performance space in the beer garden and plans in place to mitigate noise coming from the premises. The tenants confirmed that Nova Acoustics, who were specialists in this area, had been commissioned to undertake the noise impact assessment. An environmental sound survey had been carried out and the tenants had been provided with two mitigation options to consider. It was further confirmed that the tenants were working closely with Nova and following their guidance; and should there be a need in the future to invest in new noise limiting equipment then that is the action that would be taken.

In response to a query regarding whether the customers who hired the function area were provided with a list of rules to be followed once on the premises, it was confirmed that customers did receive a list of rules to adhere to and they were also told that any music played must cease at 11.00 pm.

The Licensing Manager summed up the case for the Council.

The tenants summed up by stating that they had inherited an archaic premises licence which no longer reflected current day customer expectations, and that there was a need to maximise the available daytime hours for the business going forward. The Members were assured by the tenant that they were pro-active in being good neighbours and that they worked with the local school who used the premises car park on occasion.

All parties confirmed that they had said all that they needed to say in relation to the application.

The Chairman thanked all parties for attending the Licensing Sub-Committee and requested that they leave the meeting. It was explained that the members of the Sub-Committee would retire together with the Democratic Services Officer and Solicitor to consider the application, and

in doing so would consider the representations made, the agenda pack provided, the video footage submitted, and the submissions presented to it, as well as the operating schedule. The Sub-Committee would also consider the application in accordance with the Licensing Act 2003, having regard to the Secretary of States Guidance issued under section 182 of the Licensing Act 2003 and Selby District Council's Statement of Licensing Policy.

It was further explained that all parties would be notified of the outcome of the hearing in writing, within five working days, along with the right of appeal.

The Licensing Sub-Committee considered that it was appropriate and proportionate, having considered all representations, all the evidence presented and the promotion of the licensing objectives, to **grant** the Premises Licence, but to remove the condition at number 21 of the draft premises licence contained within the agenda pack, and replace with the six measures as agreed between the Applicant and the Environmental Health Team.

**RESOLVED:**

**The Sub-Committee decided unanimously to grant the Premises Licence, but to remove the condition at number 21 of the draft premises licence contained within the agenda pack and replace with the six measures as specified above.**

**Reasons for Decision:**

**The Licensing Sub-Committee considered that it was appropriate and proportionate for the promotion of the licensing objectives.**

The meeting closed at 11.11 am.