

## Agenda

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| 2. | Application for the Grant of a Premises Licence - The Old Cinema, 38 Long Street, Thirsk | 1 - 14 |
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Report of the Director of Law and Governance (Monitoring Officer)

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# Agenda Item 2

Deborah.

The application is in the name of Twisted Property Limited. This company is not a car dealership, it is my property business. The vehicle trading business is Twisted Automotive Limited which is owned entirely by Twisted Group Limited. They are entirely separate legal entities.

I will transact alcohol sales through Twisted Property which is sufficient to grant a full licence and hopefully without restriction.

Would you please confirm whether you are in agreement with the above?

Many thanks

On Thu, 11 Feb 2021 at 17:01, Chadwick, Deborah  
<[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)> wrote:

Charles

I will monitor my emails tomorrow and next week and hopefully we can agree on a decision

Many thanks

Debbie

PC 1770 Debbie Chadwick

North Yorkshire Police

Alcohol licensing unit

Scarborough & Ryedale

07557 172862

[NYPlicensing@northyorkshire.pnn.police.uk](mailto:NYPlicensing@northyorkshire.pnn.police.uk)

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**From:** Charles Fawcett - Twisted Automotive Limited <[REDACTED]>  
**Sent:** 11 February 2021 16:00  
**To:** Chadwick, Deborah <[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)>  
**Cc:** Furlong, David <[David.Furlong@northyorkshire.pnn.police.uk](mailto:David.Furlong@northyorkshire.pnn.police.uk)>; Booth, Jackie <[Jacqueline.Booth@northyorkshire.pnn.police.uk](mailto:Jacqueline.Booth@northyorkshire.pnn.police.uk)>  
**Subject:** Re: Licence

Deborah,

Thank you, I appreciate your response, it is not what we need so we must find a solution and by the sounds of it within the next hour... Planning is no issue as per previous email thread.

I see three options:


1: Run the bar and coffee shop as a separate company?

2: As I am not doing this for profit, operate a free bar which I assume wouldn't require any consultation?

3: Ensure there are no vehicles in the licenced area.

Where do we go from here?

Regards  
Charles Fawcett  
**Managing Director**



On Thu, 11 Feb 2021 at 15:28, Chadwick, Deborah  
<[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)> wrote:

Charles

I fully appreciate that you have been back and forth with this and due to the 'excluded' aspect it really isn't that flexible.

Quite simply alcohol cannot be sold on an excluded premises so it has to be demonstrated that the businesses are acting independently.

I completely understand what you are saying and of course you would like the ability to utilise the licence when appropriate but unfortunately we can't allow a licence to operate on good practice. The operating conditions are imperative as the licence remains with the premises so should you chose to sell the site and the licence if not conditioned appropriately the unit could in effect operate simply as a bar/nightclub .. It's a pity there were no discussions with ourselves prior to the submission of the current application.

If you wanted the ability to sell alcohol on an evening 7 days a week I would be amenable to allow licensable activities from 5pm until 11pm, but there would have to be a condition that no motor vehicles would be on the premises between these times (or when licensable activities were taking place ) this would demonstrate 2 separate businesses.

If you were a bar/coffee shop .. without the car showroom we would not have this problem at all .. it is one unit wanting to operate 2 different businesses simultaneously which unfortunately can't be licensed .

I hope this makes a bit more sense. I am afraid I am on leave after today so I won't get the opportunity to meet prior to the end of consultation date, however it would be good to see the premises in operation some time later

Let me know your thoughts on this

Many thanks

Debbie

PC 1770 Debbie Chadwick

North Yorkshire Police

Alcohol licensing unit

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**From:** Charles Fawcett - Twisted Automotive Limited <[REDACTED]>  
**Sent:** 11 February 2021 14:52  
**To:** Chadwick, Deborah <[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)>  
**Cc:** Furlong, David <[David.Furlong@northyorkshire.pnn.police.uk](mailto:David.Furlong@northyorkshire.pnn.police.uk)>; Booth, Jackie <[Jacqueline.Booth@northyorkshire.pnn.police.uk](mailto:Jacqueline.Booth@northyorkshire.pnn.police.uk)>  
**Subject:** Re: Licence

Deborah,

Forgive me, I have had many conversations with many departments on this and its starting to melt into one. I have taken all advice and acted on all issues to reach a sensible working arrangement and I will continue to do so.

The maximum of 12 licence-able events each year was for anything post 11pm involving film/food/alcohol, we decided to remove that following discussion with David, Environmental health and the Council, in essence, we don't need them and if we do we will apply as and when. Pre 11pm is accepted within the standard licence so we felt that was enough for now. Do correct me if I am wrong on the law.

The first application was clearly a farce as no one picked up on the car sales issue till the end. What it enabled us to however was have a chat with all involved and alter our application to suit all parties.

Licencing were happy following discussion to agree that the coffee bar and cinema were suitable for the licence application and when we do hold dinners, where the entirety of the activity will be. It is clear we will not be selling vehicles when the bar is open, we as much museum as car dealer most of the time anyway. This is a venue to generate interest in the brand and lifestyle of it rather than the typical car dealership. Right now of the 30 vehicles on site only 8 are for sale, the rest are part of a private collection.

We want to be able to open the bar when ever we deem appropriate, however, having reflected on all conversations and spoken again to David, it seemed sensible to agree that we would aim to operate the following schedule in the front area of the building.

Coffee Bar 6am - 10am.

Normal Business 10am - 5pm

Bar 5pm - 11pm

I cant see it being much different to that but I would rather that wasn't a restriction in its entirety, but more agreed good practice. If we have any events on, that require any different, we would ask for further licence.

Does that help clear up our position or do we need to meet?

Regards  
Charles Fawcett  
**Managing Director**



On Thu, 11 Feb 2021 at 14:07, Chadwick, Deborah  
<[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)> wrote:

Hi Charles

Yes .. any licensed activity. You offered a condition in your first application for no more than 12 events... please can you explain what you meant by this?

As explained .. the problem you have is that currently the premises is all one unit and in effect the two businesses cannot mix, and also the only planning permission granted for the premises is a car showroom.

I am amenable to any alternative suggestions ?

Many thanks

Debbie

PC 1770 Debbie Chadwick

North Yorkshire Police



Alcohol licensing unit

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**From:** Charles Fawcett - Twisted Automotive Limited <[REDACTED]>  
**Sent:** 11 February 2021 13:55  
**To:** Chadwick, Deborah <[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)>  
**Cc:** Furlong, David <[David.Furlong@northyorkshire.pnn.police.uk](mailto:David.Furlong@northyorkshire.pnn.police.uk)>; Booth, Jackie <[Jacqueline.Booth@northyorkshire.pnn.police.uk](mailto:Jacqueline.Booth@northyorkshire.pnn.police.uk)>  
**Subject:** Re: Licence

Debbie,

Thank you for your email.

Can you please clarify your point here, are you suggesting we can open the bar only 12 times a year for the sale of alcohol?

Regards  
Charles Fawcett  
**Managing Director**  
[REDACTED]

On Thu, 11 Feb 2021 at 13:22, Chadwick, Deborah  
<[Deborah.Chadwick@northyorkshire.pnn.police.uk](mailto:Deborah.Chadwick@northyorkshire.pnn.police.uk)> wrote:

Good afternoon Mr Fawcett

I am making contact with regards your licence application for the Old Cinema, Thirsk , and I am aware you have met with my colleague on a couple of occasions however I would be the officer making any representation should this be required.

I am aware that this is the second application submitted by yourself as there are some concerns and issues regarding excluded premises. Section 176 of the Licensing Act states that no authorised sales of alcohol can be granted to excluded premises and one of which is a garage. As part of my role, when licensing applications are received due diligence checks are carried out and in this instance the only planning permission received for the Old Cinema is for a car showroom, hence why the premises would fall under the 'excluded' category. It is therefore necessary to ensure that the two businesses are separate (licensed activities and car sales/showroom).

To try to assist with this I have drafted some suggested operating conditions for you to look at so that we can be satisfied the businesses will operate independently and therefore ensuring the positive promotion of the licensing objectives;- namely The Prevention of Crime and Disorder.

The CCTV conditions have been reworded to ensure they are robust and enforceable, The sales of alcohol will only take place in the café/bar, and when licensable activities are taking place there will be a clear definition between the café/bar and the cinema areas. I have included that no more than 12 licensed events will take place in 1 calendar year .... This is something you offered on your initial application but omitted from the current one ?

At times when licensable activities are not taking place (no alcohol and no films) the premises can operate as a showroom and of course you can showcase your vehicles but at this moment in time we cannot support a licensed bar within a car showroom.

I believe it is your intention to obtain planning permission for a café and if this is granted and it is an entirely separate premises then we could maybe re visit the licence conditions, however while the premises is one unit the conditions need to be robust to ensure there is no conflict.

Hopefully you will see that we are trying to work with you and assist you in obtaining a licence and by adopting these conditions it will allow you the licensed events to enhance your business and will alleviate our concerns and ensure all 4 of the licensing objectives are upheld.

If you can let me have your view as soon as possible I would be most grateful and if you can ensure that PC David Furlong is copied into any responses

Many thanks

Debbie

PC 1770 Debbie Chadwick

North Yorkshire Police

Alcohol licensing unit

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Thank you for your co-operation.

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Regards  
Charles Fawcett  
**Managing Director**  
01845 574990  
07734 516580

The logo for Twisted Automotive Limited, featuring the word "TWISTED" in a bold, italicized, black sans-serif font with a registered trademark symbol (®) to the upper right.

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