

LICENSING SUB-COMMITTEE

DATE: Tuesday, 8 November 2022
TIME: 10.00 am
VENUE: Council Chamber - Civic Centre, St Luke's Avenue, Harrogate
HG1 2AE.

**This meeting will be livestreamed here: <https://bit.ly/HarrogateYouTube>
(Copy and paste the link in your browser).**

PANEL MEMBERS: Councillor Ed Darling, Councillor Victoria Oldham and
Councillor Robert Windass

STANDBY MEMBER: (Councillor Trevor Chapman to attend only if specifically
requested to do so)

Notice is hereby given that the above meeting will take place for the purpose of
deciding an application under the provisions of the Licensing Act 2003.

AGENDA

Item	Title	Page Number
1.	TO APPOINT A CHAIR:	
2.	INTRODUCTIONS:	
3.	DECLARATIONS OF INTEREST: Members to indicate whether they will be declaring any interests under the Code of Conduct.	
4.	TO AGREE A PROCEDURE FOR HEARING: Copy of suggested procedure attached.	3 - 6
5.	EXEMPT INFORMATION: To determine whether to exclude the press and public during the consideration of agenda items.	
6.	NEW PREMISES LICENCE APPLICATION FOR AAA, GROUND	7 - 70

FLOOR, 129 COLD BATH ROAD, HARROGATE, HG2 0NU:

The Licensing Enforcement Officer to submit a written report.

NOTES:

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session.

The agenda papers may be examined at the Civic Centre, Harrogate and a copy may be purchased for £6.00.

Please contact Harriet Clarke - Democratic Services Officer, if you have any queries or need further information on this agenda - telephone or email 01423 500600, democraticservices@harrogate.gov.uk

EMERGENCY PROCEDURES FOR MEETINGS – FIRE: On hearing the fire evacuation alarm, you should leave the building by the nearest safe fire exit. Once outside the building, please assemble in the corner of the visitor car park at the front of the building opposite the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

Licensing Sub-Committee Procedure

Each application that comes before the Sub-Committee will be treated on its own merits, and this Licensing Authority will make its decision based upon:

- The merits of the application, and
- The promotion of the four licensing objectives which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention public nuisance; and
 - The protection of children from harm
- The policy of the licensing authority, a copy of which can be viewed on <http://www.harrogate.gov.uk/pdf/policy.pdf> or obtained from Licensing, Safer Communities PO Box 787, Harrogate, HG1 9RW
- The guidance issued by the Home Office in April 2017 under Section 182 of the Licensing Act 2003.

This Council is committed to making decisions, in an honest, accountable and transparent fashion.

Hearings will be held in public but the Sub-Committee may decide to exclude the public from all or part of a hearing where it considers the public interest in doing so outweighs the public interest in the hearing taking place in public. In this context “public” includes any party to the hearing or any representative of a party.

Proceedings

1. The Clerk to the meeting will begin by asking the Sub-Committee to appoint a Chair.
2. The Chair will open the meeting by explaining the procedure for the Sub-Committee.
3. Item 2 on the agenda will be introductions. The Chair will ask all parties to introduce themselves and will confirm as to the names of any witnesses they will be calling. **Councillors** will state their name and the ward they represent. **Officers** will state their name and job title. **All other participants** will state their name and the reason for their attendance at the Sub-Committee (e.g. applicant, licence holder, other persons etc.) At this point, the Sub-Committee will satisfy itself as to whether a representative has been appointed on behalf of those raising a representation and if not will establish who wishes to speak. The Chair may determine 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 and will indicate an equal period of time to each of the parties present who wishes to speak to present their case. This Sub-Committee recommends a maximum of 20 minutes is allowed to each party to make all relevant statements and respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.
4. Item 3 on the agenda will be declarations of interest. The Chair will ask if any Member of the Sub-Committee has an interest they wish to declare.

5. The procedure for the hearing will be agreed at agenda item 4.
6. At agenda item 5 the Solicitor to the Sub-Committee will advise of any exempt information items. If there is exempt information the Sub-Committee could resolve to go into exempt session. This means that the public would no longer be able to observe the Sub-Committee meeting.
7. Agenda item 6 is the substantive matter for decision. The Chair will ask the representative from the Licensing Authority to outline their report.
8. Members to ask any relevant questions of the representative of the Licensing Team.
9. The Chair will invite the Applicant/Licence Holder, (or their representative) to address the Sub-Committee and present their case including clarification of any information arising from the officers' outline, if necessary.
10. If necessary, the Sub-Committee will consider requests to allow other parties invited by the Applicant/Licence Holder to address the Sub-Committee.
11. Members of the Sub-Committee may ask any relevant questions of the Applicant/Licence Holder or their representative.
12. Parties that made representations may wish to ask any relevant questions of the Applicant/Licence Holder or their representative. The Chair will invite them to ask their questions.
13. The Chair will invite those that have made representations (police, environmental health, other persons etc) to address the Sub-Committee. Questions from Members and the Applicant/Licence Holder or their representative will be taken after each party has addressed the Sub-Committee.
14. Members of the Sub-Committee may wish to ask any relevant questions of those making representations. The Chair will invite Members to ask their questions.
15. The Applicant/Licence Holder or their representative may wish to ask any relevant questions of those making representations. The Chair will invite them to ask their questions.
16. Steps 13-15 will be repeated until all parties making representations have addressed the Sub-Committee.
17. The Chair will invite the Applicant/Licence Holder or their representative, and any parties making representations, to briefly summarise their points if they wish.
18. The Chair will ask all parties if they are satisfied that they have said all they wish to.
19. The Chair will then announce that the Sub-Committee will retire to discuss and make their decision.
20. The Chair will relay the decision and the reasons given for the decision, and any conditions placed upon the licence (if granted) and the licensing objective that they relate to.

21. The Chair will announce that the meeting has ended.

Please note:

- a. Any changes to the agenda will be given at the beginning of the meeting.
- b. The Sub-Committee will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
 - Their application, representation or notice; and
 - The promotion of the licensing objectives or the crime prevention objective where the Police has given notice.
- c. If a party has informed the Licensing Authority that they will not be attending or be represented at the hearing it may proceed in their absence. Persons making representations may choose to rely on their written representation.
- d. If a party fails to respond to the Notice, does not attend the hearing and is not otherwise represented the sub-committee may either:
 - Adjourn the hearing if it considers it both necessary in the public interest, or
 - Hold the hearing in the party's absence
- e. If the Sub-Committee holds the hearing in the absence of a party it will consider at the hearing the application, representation or notice given by the party.
- f. If the Sub-Committee adjourns the hearing to a specified date it must further notify the parties but please note that when arranging adjournments transitional hearings cannot be adjourned to a date beyond the two months from the date the applicant's application was received.
- g. Similarly, this authority generally will allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.
- h. The Licensing Authority has the right to exclude any parties disrupting this hearing, at its discretion. Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which they would have been entitled to give orally had they not been requested to leave.
- i. In cases where a decision cannot be given at the end of the hearing, the Clerk will inform the Applicant when they will be notified of the decision within 5 working days.
- j. Proceeding will not be rendered void only as a result of failure to comply with any provisions of the Hearings Regulations.
- k. Where an Authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearings Regulations, it may take such steps, as it thinks fit to resolve the irregularity, before reaching its determination.
- l. The authority may correct clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission.

Appeals

1. Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.
2. An appeal must be commenced within twenty-one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision. Notice of Appeal must be given to Harrogate Magistrates Court.

Agenda Item No.....

REPORT TO: Licensing Sub-Committee

DATE: Tuesday 08 November 2022

DEPARTMENT: Community Services

REPORTING OFFICER: Director of Community Services
(Report written by Wan Malachi)

SUBJECT: Licensing Act 2003
AAA
Ground Floor
129 Cold Bath Road
Harrogate
HG2 0NU

WARD/S AFFECTED: Harrogate Valley Gardens

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to determine an application for a premises licence under the Licensing Act 2003.

2.0 RECOMMENDATION/S

2.1 The application must be determined taking all factors into consideration.

2.2 The options are:

1. To grant the licence
2. To grant the licence with conditions
3. To reject the application in whole or in part.

2.3 Any licence granted will be subject to:

- Any conditions imposed by the Licensing Sub-Committee
- Any mandatory conditions which must be included on the licence under section 19, 20 or 21 of the Licensing Act 2003 (Appendix 2)
- The mandatory conditions imposed by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (Appendix 2)

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 Application for the grant of a premises licence under the Licensing Act 2003.

3.2 The applicant is Audio Archtct Experience Ltd, 7 Princes Square, Harrogate, HG1 1ND.

3.3 Details of the application:

The application is for the grant of a premises licence for a small café bar in a former retail/office space.

A copy of the application is attached at appendix 1

3.4 Licensable activities:

Sale by retail of alcohol

Monday to Sunday 12:00 to 00:00

Recorded music

Monday to Sunday 23:00 to 00:00

Hours that premises are open to the public

Monday to Sunday 09:00 to 00:00

3.5 Details of the proposed operating schedule are as follows:

Appendix 2 - Mandatory Conditions

Appendix 3 - Conditions consistent with the operating schedule

Appendix 4 – Plan of premises

Appendix 5 – Conditions agreed with North Yorkshire Police

4.0 PROMOTION OF LICENSING OBJECTIVES

4.1 Section 4 of the Licensing Act 2003 places a duty on the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

4.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5.1 A representation has been received from Harrogate Borough Council Environmental Protection on the objective of public nuisance.

5.2 The representation is attached at appendix 6.

5.3 The applicant has accepted the Environmental Protection representation in full and agreed to the conditions contained in the representation. This correspondence is attached at appendix 7.

5.4 Correspondence sent by North Yorkshire Police requesting agreement for additional conditions to promote the licensing objectives.

5.5 The applicant has agreed to all the conditions requested by North Yorkshire Police and these will form part of the operating schedule. This correspondence is attached at appendix 5.

6.0 REPRESENTATIONS FROM ANOTHER PERSON

6.1 There have been three representations received from other persons.

Licensing sent correspondence confirming agreement of conditions from Environmental Protection and North Yorkshire Police. This correspondence is attached at appendix 8.1 to 8.3

6.2 The applicant provided a response to each representation and is attached at appendix 9.

7.0 POLICY CONSIDERATIONS

7.1 The following sections of the Harrogate Borough Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application:

- Disturbance and environment - sections 4, 6 and 9
- Crime and disorder - sections 4 and 6
- Public safety - section 4
- Protection of children - sections 4 and 6

8.0 OTHER GUIDANCE FOR CONSIDERATION

8.1 The following sections of the Guidance issued under section 182 of the Licensing Act 2003 (updated April 2018) issued by The Secretary of State for

Culture, Media and Sport are relevant in considering the licensing objectives in relation to this application:

- Crime and disorder Section 2.1
- Public safety Section 2.7
- Public nuisance Section 2.15
- Protection of children from harm Section 2.22

9.0 ASSOCIATED PAPERS

Appendix 1 – Copy of application

Appendix 2 – Mandatory Conditions imposed under Licensing Act 2003

Appendix 3 – Conditions consistent with operating schedule

Appendix 4 – Plans

Appendix 5 – Agreement to conditions proposed by North Yorkshire Police

Appendix 6 – Representation from Environmental Protection

Appendix 7 – Agreement and withdrawal of representation from Environmental Protection

Appendix 8.1 – Representation from other person

Appendix 8.2 – Representation from other person

Appendix 8.3 - Representation from other person

Appendix 9 – Correspondence from applicant to representations

10.0 FINANCIAL IMPLICATIONS

10.1 Finance staff have been consulted during preparation of this report and comments are provided in the paragraph below. / Consultation with finance staff was not necessary during the preparation of this report.

10.2 No matters were identified.

11.0 HUMAN RESOURCES IMPLICATIONS

11.1 Consultation with the Human Resources section was not necessary during the preparation of this report.

12.0 LEGAL IMPLICATIONS

12.1 The Legal section has been consulted during preparation of this report.

13.0 ICT IMPLICATIONS

13.1 Consultation with the Technical Advisory Board (TAB) was not necessary during preparation of this report.

14.0 RISK ASSESSMENT

14.1 A risk assessment has been undertaken and the major risks are outlined below.

14.2 No major risks were identified.

15.0 EQUALITY AND DIVERSITY

15.1 An Equality and Diversity Impact Assessment has been undertaken and the impact of this proposal on race, disability and gender equality in the local community or in the Council is set out below.

15.2 No risks were identified.

16.0 HUMAN RIGHTS

16.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions: -

16.2 **Article 1** of the first protocol – every person is entitled to the peaceful enjoyment of his/her possessions.

16.3 **Article 6** - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

16.4 **Article 8** – everyone has the right to respect for his/her home and private and family life.

17.0 CONCLUSIONS

17.1 An application has been made for the grant of a premises licence by Audio Archtct Experience Ltd for AAA, Ground Floor, 129 Cold Bath Road, Harrogate, HG2 0NU. Conditions agreed with Environment Protection and North Yorkshire Police will form part of the conditions proposed in the operating schedule

17.2 There are three representations for the Sub-Committee to consider as attached at Appendix 8.1 to 8.3.

Background Papers - None

<p>OFFICER CONTACT: Please contact the Licensing Team if you require any further information on the contents of this report. The Team can be contacted at Licensing, Harrogate Borough Council, P.O. Box 787, Harrogate, HG1 9RW, by telephone on 01423 500600 01423 500600 or by e-mail at licensing@harrogate.gov.uk</p>

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Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Audio Archtct Experience Ltd T/A AAA
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Ground Floor, 129 Cold Bath Road			
Post town	Harrogate	Postcode	HG2 0NU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	√	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)

g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)


* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)





Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Audio Archtct Experience Ltd T/A AAA
Address 
Registered number (where applicable) 
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number 
E-mail address 

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	9	092022

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Currently used as a retail/office space on Cold Bath Road. We intend to open a small/micro cafe-bar with a theme based around subtle nuances of music with a community feel. We need to get an official capacity but at most we could contain 40 inside the premises.

There is one area within the premises in which seating and a small amount of standing space will be provided for drinks and snacks. There is a small flight of stairs where a laverty is provided.

Also, an outside space at the front of the building where we intend to provide seating. We intend to provide specialist cans of beer, that aren't available anywhere locally, for off premises consumption. These will be for local residents to take home with them.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	√
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provision of late night refreshment (if ticking yes, fill in box I)	
Supply of alcohol (if ticking yes, fill in box J)	√

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----		Please give further details here (please read guidance note 4)	Both
Tue	-----	-----			
Wed	-----	-----	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon	-----	-----		Please give further details here (please read guidance note 4)		
Tue	-----	-----				
Wed	-----	-----	State any seasonal variations for the exhibition of films (please read guidance note 5)			
Thur	-----	-----				
Fri	-----	-----	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat	-----	-----				
Sun	-----	-----				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	-----	-----	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue	-----	-----	
Wed	-----	-----	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur	-----	-----	
Fri	-----	-----	
Sat	-----	-----	
Sun	-----	-----	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish	Both			
Mon	-----	-----	Please give further details here (please read guidance note 4)			
Tue	-----	-----				
Wed	-----	-----	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)			
Thur	-----	-----				
Fri	-----	-----	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat	-----	-----				
Sun	-----	-----				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4) Live music will be acoustic, with the exception of a vocal which will be amplified.		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5) Live music will be at most once a month. During summer periods, it might be every Sunday afternoon.		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	√
				Outdoors	
				Both	
Day	Start	Finish			
Mon	23:00	24:00	Please give further details here (please read guidance note 4) Background, amplified music will be played during these hours. Our whole ethos is about quality, not volume. Possibly a DJ on Saturday afternoon.		
Tue	23:00	24:00			
Wed	23:00	24:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	23:00	24:00			
Fri	23:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) We may like to open for longer during Bank Holiday weekends, Christmas Eve and New Years eve.		
Sat	23:00	24:00			
Sun	23:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	-----	-----	<u>Please give further details here</u> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon	-----	-----		Outdoors	
				Both	
Tue	-----	-----	<u>Please give further details here</u> (please read guidance note 4)		
Wed	-----	-----			
Thur	-----	-----	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri	-----	-----			
Sat	-----	-----	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun	-----	-----			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon	-----	-----		<u>Please give further details here</u> (please read guidance note 4)		
Tue	-----	-----				
Wed	-----	-----	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur	-----	-----				
Fri	-----	-----	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat	-----	-----				
Sun	-----	-----				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
				Both	√
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	24:00			
Tue	12:00	24:00			
Wed	12:00	24:00			
Thur	12:00	24:00			
Fri	12:00	24:00			
Sat	12:00	24:00			
Sun	12:00	24:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name John Caladine	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) Harrogate Borough Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	24:00	
Tue	09:00	24:00	
Wed	09:00	24:00	
Thur	09:00	24:00	
Fri	09:00	24:00	
Sat	09:00	24:00	
Sun	09:00	24:00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

This is a community venue which promotes the sale of vinyl records, clothing and a cafe. It's a community bar where people can come and enjoy the space in an all inclusive space.

A Personal Licence holder will be at the premises at all times when alcohol is being sold.

We plan to provide food that will be available at all times when the premises are open.

b) The prevention of crime and disorder

A CCTV system will be installed covering the outside, both front and back, and all internal space.

Recordings will be maintained for an appropriate period of time to be agreed with the Police and the Licensing Authority.

A notice will be displayed at the entrance to the premises advising that C.C.T.V. and audio recording is in operation.

We will be joining the local led trade body PubWatch and adhering to the BFO, BFA Scheme.

c) Public safety

Adequate and appropriate First Aid equipment and materials are available on the premises.

At least one suitable trained First Aider will be on duty when the public are present.

In the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public.

Emergency lighting is installed and regularly maintained.

The premises have current and suitable Public Liability Insurance in the sum of £10 million. A certificate will be obtained each year and displayed at the premises.

All safety signs warning customers about the risks to their health and safety are to comply with BS5378 1980 : Safety Signs and Colours.

Free drinking water will be available at all times when the premises is open to the public and taps are labelled as such.

d) The prevention of public nuisance

A noise management plan will be devised and will be in operation at the premises.

Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any neighbouring noise sensitive premises.

Doors and windows will be kept closed when regulated entertainment is taking place.

For the final hours of opening the music is reduced in volume and is discernibly quieter.

The playing of live or recorded music in the outside seating area of the premises is not permitted.

Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.

The outside seating area will be closed to the public after 23:00 hrs.

e) The protection of children from harm

A challenge 25 policy will be in place.

Checklist:**Please tick to indicate agreement**


<input type="checkbox"/>	I have made or enclosed payment of the fee.	
<input type="checkbox"/>	I have enclosed the plan of the premises.	
<input type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
<input type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
<input type="checkbox"/>	I understand that I must now advertise my application.	
<input type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected.	
<input type="checkbox"/>	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.


It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Print name	John Caladine
Date	12/09/22
Capacity	Himself

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Print name	David Swallow
Date	12/09/22
Capacity	Himself

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Dave Swallow [REDACTED]			
Post town	Harrogate	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
Email address	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. 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.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at

<https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Extract from Licensing Act 2003

19 Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises 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.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

20 Mandatory condition: 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 made 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 persons 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 (c.39) (authority to determine suitability of video works for classification).

21 Mandatory condition: 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, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (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 with club premises certificate, under a temporary event notice authorising plays or 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 purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(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.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

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 the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(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(b).

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) applies 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.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (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 or 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).

2. (2) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (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, or

(b) an ultraviolet feature.

4. 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: 25 ml 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.”

Conditions consistent with operating schedule

Licensing objectives:

To promote the licensing objectives, the applicants have proposed the following steps at the premises:

General:

- This is a community venue which promotes the sale of vinyl records, clothing and a café. It's a community bar where people can come and enjoy the space in an all inclusive space.
- A personal licence holder will be at the premises at all times when alcohol is being sold.
- We plan to provide food that will be available at all times when the premises are open.

Prevention of Crime and Disorder:

- A CCTV system will be installed covering the outside, both front and back, and all internal space.
- Recordings will be maintained for an appropriate period of time to be agreed with Police and the Licensing Authority.
- A notice will be displayed at the entrance to the premises advising that CCTV and audio recording is in operation.
- We will be joining the local led trade body PubWatch and adhering to the BFO, BFA Scheme.

Public Safety:

- Adequate and appropriate First Aid equipment and materials are available on the premises.
- At least one suitable trained First Aider will be on duty when the public are present.
- In the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public.
- Emergency lighting is installed and regularly maintained.
- The premises have current and suitable Public Liability Insurance in the sum of £10million. A certificate will be obtained each year and displayed at the premises.
- All safety signs warning customers about the risks to their health and safety are to comply with BS5378 1980: Safety Signs and Colours.

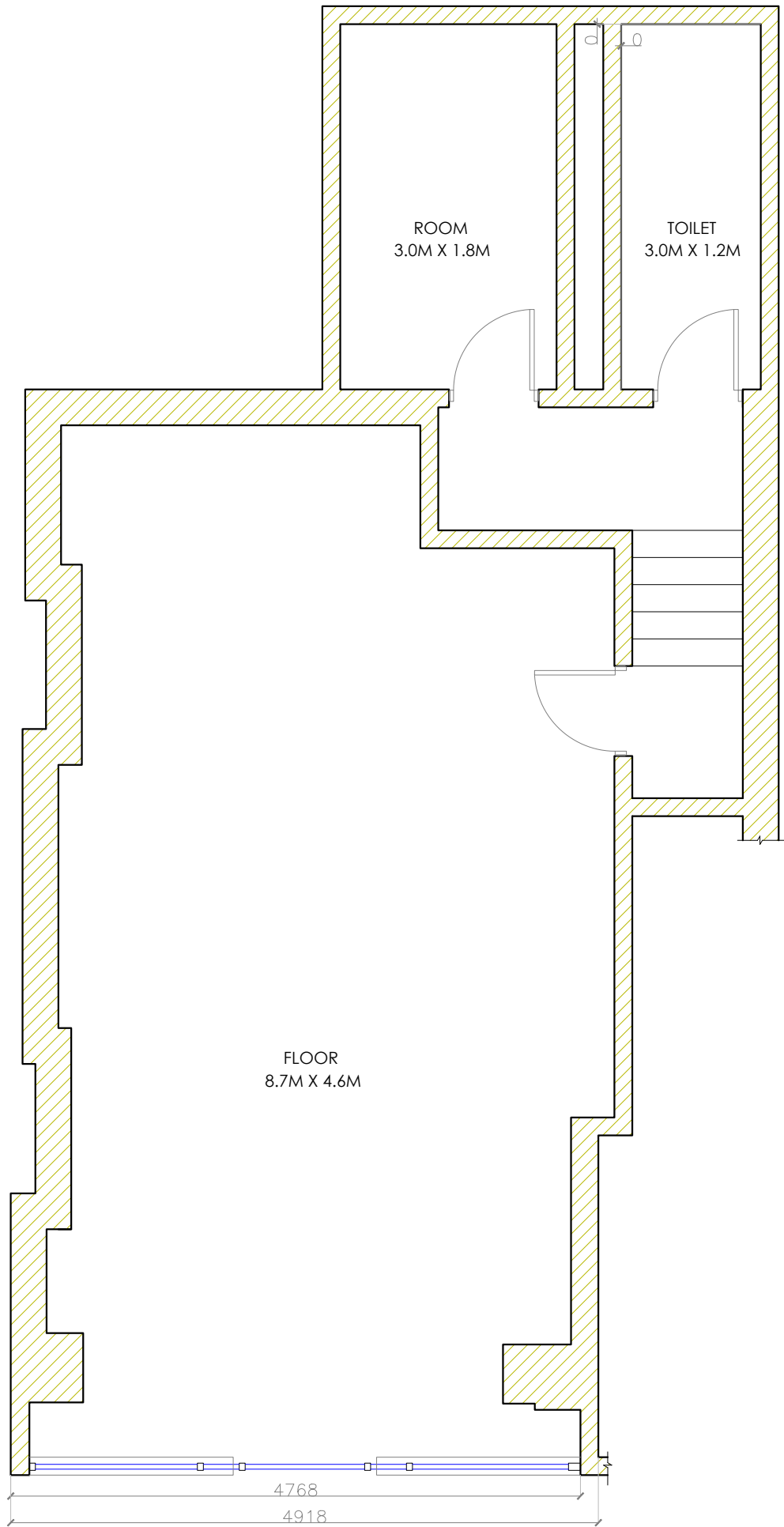
- Free drinking water will be available at all times when the premises is open to the public and taps are labelled as such.

Prevention of Public Nuisance:

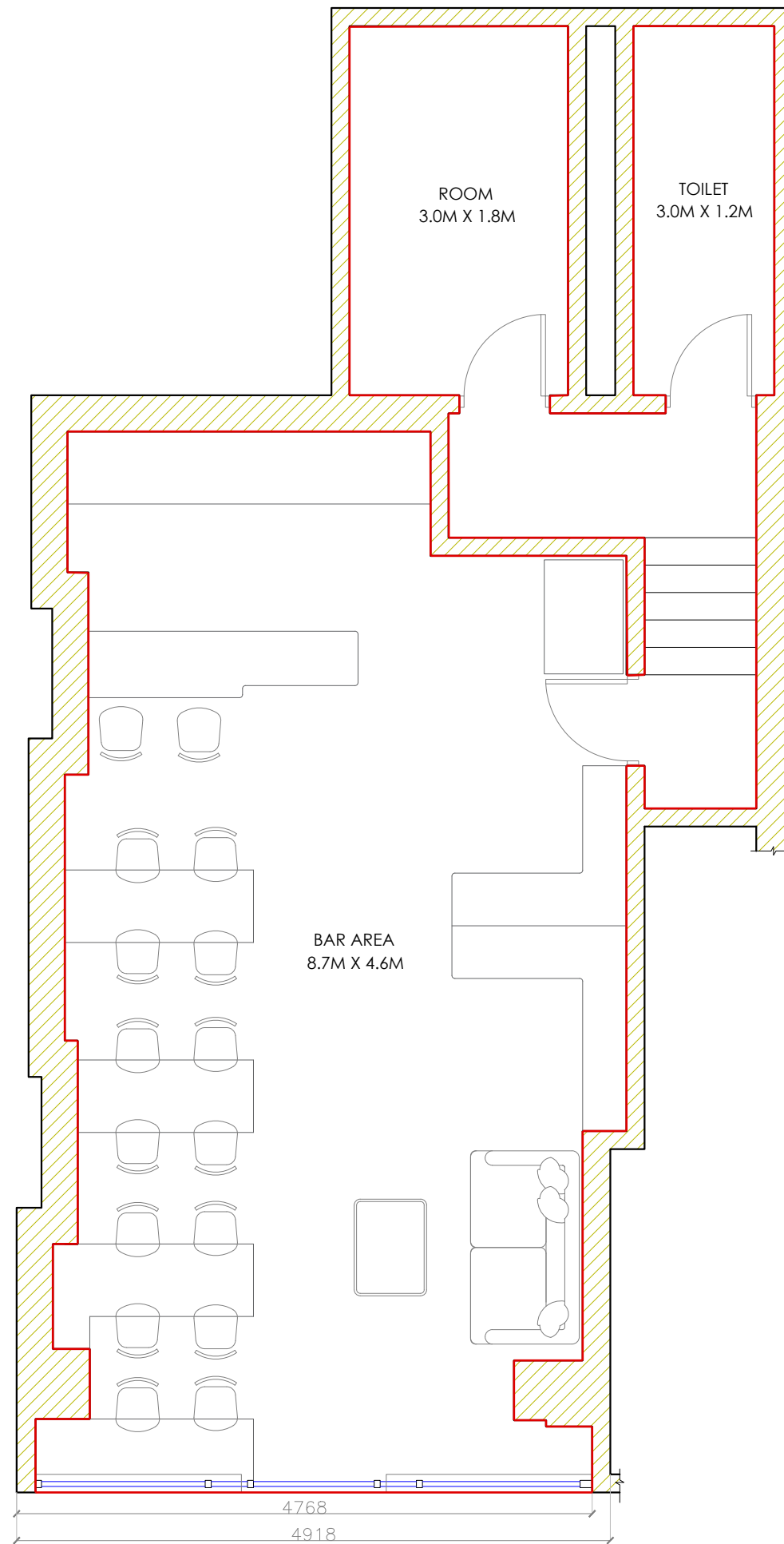
- A noise management plan will be devised and will in operation at the premises.
- Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any neighbouring noise sensitive premises.
- Doors and windows will be kept closed when regulated entertainment is taking place.
- For the final hours of opening the music is reduced in volume and is discernibly quieter.
- The playing of live or recorded music in the outside seating area of the premises is not permitted.
- Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 2300hrs and 0700hrs to minimise disturbance to nearby occupiers.
- The outside seating area will be closed to the public after 2300hrs.

Protection of Children from Harm:

- A challenge 25 policy will be in place.



EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN

NOTES:			
REV:	DESCRIPTION:	BY:	DATE:
STATUS: APPROVAL			
CLIENT:			
ARCHITECT:			
SITE: 129 Cold Bath Rd, Harrogate HG2 0NU UK			
TITLE: Existing & Proposed Floor Plan			
SCALE AT A3: 1:50	DATE: 11/09/2022	DRAWN: LN	CHECKED: checked
PROJECT NO:	DRAWING NO:	REVISION: A	

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Wan Malachi

From: Furlong, David <David.Furlong@northyorkshire.police.uk>
Sent: 19 September 2022 09:49
To: Licensing
Cc: [REDACTED]
Subject: FW: premises licence application AAA

Warning: This email is from an external source outside of the organisation. Do not click links, open attachments, reply or forward internally unless you know and trust the sender.

Dear Harrogate Licensing Team,

Please see the agreed premises licence conditions for AAA, Cold Bath Road, Harrogate. (points 1-12 below)

Mr Swallow, this email is for your information only.

Kind regards

Dave Furlong PC 1720
North Yorkshire Police
Licensing unit
Tel [REDACTED]

From: Dave Swallow [REDACTED]
Sent: 18 September 2022 14:48
To: Furlong, David <David.Furlong@northyorkshire.police.uk>
Subject: Re: premises licence application AAA

Hello PC Furlong,
Thank you for your email. Please accept this email as acknowledgment and formal response to your comments on September 15th 2022.

We at AAA, Cold Bath Road will not be opposing any of the Licensing Objectives that you have set out.

Any help, guidance or knowledge base you might be able to provide that would help us achieve these objectives to the highest standard would be very much appreciated.

We have already run the wiring for the CCTV system that meets your requirements.

All other comments made will be addressed over the next few weeks and all will be in place before we are able to open.

Kind regards,
Dave Swallow

Dave Swallow
Live Audio Engineer of the Year 2011 and 2012
[REDACTED]

On 15 Sep 2022, at 10:38, Furlong, David <David.Furlong@northyorkshire.police.uk> wrote:

Dear Mr Swallow,

I am a Licensing Officer for North Yorkshire Police, part of my role is to process all licensing applications that are submitted to North Yorkshire Police in our role as a responsible authority (as defined by the Licensing Act 2003). I would ask that you accept this e-mail as both an acknowledgement to your communication and the formal response.

In assessing this application I have considered the Licensing Objectives and the police would seek the following conditions at AAA, Cold Bath Road, Harrogate, in addition to those offered in your application to mitigate the risk of Crime and Disorder and Public Nuisance at the premises. Should these conditions not be acceptable to you then North Yorkshire Police would submit a formal representation in respect of this matter.

1. Incident & Refusals Register

An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- *crimes reported to the venue related to licensable activity*
- *complaints received regarding crime and disorder related to licensable activity*
- *any incidents of disorder*
- *any refusal of sale*

- *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 runs from the date of that particular entry]*

2. Staff Training

A documented training programme shall be provided to all staff involved in licensable activities in respect of the:-

- *operation of the cctv system, including the downloading of evidence (can be designated staff only)*
- *retail sale of alcohol*
- *age verification policy*
- *conditions attached to the Premises Licence;*
- *permitted licensable activities;*

- *the licensing objectives;*
- *any training specified by north Yorkshire police licensing in respect of safeguarding & vulnerability (Police can arrange WAVE training / welfare & vulnerability training at the venue)*
- *opening times for the venue.*

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 runs from the date of that particular entry];

3 - CCTV

A digital colour CCTV system will be installed at the premises and will cover all areas where licensable activity takes place.

- *It will be maintained, working and recording at all times when the premises are open.*
- *The recordings should be of capable of providing clear images to be produced in Court or other such hearing.*
- *Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.*
- *Copies of the recordings shall be made available to any Responsible Authority within 24 hrs upon request. Subject to Data Protection requirements.*
- *Copies of the recordings will display the correct time and date of the recording.*
- *North Yorkshire Police licensing unit must be immediately informed (via email NYPLicensing@northyorkshire.police.uk) if the cctv system is not operational. Immediate steps should be taken to repair the cctv system and get it back online within ten working days of the discovery of the fault. Details of the above should be fully documented in the premises incident log book.*

It is the responsibility of the management to ensure that there are sufficient members of staff and/or management available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

4 - No open drinking vessels, or bottles, shall be taken out of the licensed premises, or licensed area, on to the pavement or highway, except for consumption in a clearly delineated external area, intended for this purpose, i.e. an area covered by a pavement licence or within a beer garden or outdoor seated area under the control of the premises.

5 - All "off sales" of alcohol shall be in sealed containers except where they are for consumption in a clearly delineated external area, intended for this purpose, i.e. an area covered by a pavement licence or within a beer garden or outdoor seated area under the control of the premises.

6 - Last orders for alcohol will be 30 minutes before the premises is due to close (other than for "off sales")

7. It is the responsibility of the dps/ manager to risk assess all events to be held at the premises, this would include risk assessing the need for SIA door supervisors for each event. The risk assessment must be recorded in the incident report book.

8. No person under 18 shall be permitted to remain on the premises after 21:00 hrs (except for staff working at the premises)

9. The premises shall operate the **Challenge 25 policy** for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

10. Prominent, clear and legible notices shall be displayed at all exits to the premises requesting customers respect the needs of local residents when smoking outside and to leave the area quietly.

11. If the need is ever identified the premises licence holder or DPS shall employ SIA licensed security staff to the satisfaction of North Yorkshire Police and the Licensing authority.

12. All regulated entertainment shall take place inside the building and doors and windows shall remain closed while the regulated entertainment is taking place (save for entry and egress)

I would be grateful if you could respond by 5pm on 30/09/22 (at the latest) if you are amenable to the above conditions. If I have not received any communication from you by this time, I will submit a formal representation on behalf of North Yorkshire Police to the licensing authority.

If you wish to discuss any of the above please do not hesitate to contact me.

I look forward to hearing from you in relation to this matter.

-

Many thanks

Dave Furlong PC 1720
North Yorkshire Police

Licensing Unit
Tel [REDACTED]

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Consultation with Responsible Authority

Resp Auth: EP

1. Application for Premises Licence

AAA, Ground floor, 129 Cold Bath Road, Harrogate, HG2 0NU

2. Representation: Yes Date: 15 September 2022

3. Representation details

Licensing Objective Prevention of Public Nuisance

Reason for representation To prevent noise disturbance to occupiers of neighbouring dwellings

Conditions/Remedy

There are a number of residential properties in close proximity to the premises which have the potential to be disturbed by the use of the site, particularly the provision of live and recorded music, and use of the external area.

The application looks to cover the following activities for the premises illustrated in the submitted plan: hour of opening Monday to Sunday 09:00-24:00, supply of alcohol (on and off the premises) Monday to Sunday 12:00-24:00, live music (prior to 23:00hrs Monday to Sunday), recorded music (indoors only) Monday to Sunday 23:00-24:00.

I have reviewed the controls to prevent public nuisance put forward in Part M (d) of the application form and although I agree with the principles I recommend they be worded as the following conditions:

1) The premises will produce a noise management scheme to be submitted to and approved in writing by the Environmental Health team which specifies the provisions to be made for the control of noise emanating from the site. A review of the written noise management scheme shall be carried out by the person responsible for the site every 12 months and upon receipt of a justified noise complaint. Any alterations to the written noise management scheme as a result of a review must be submitted to and approved in writing by the Environmental Health team. The agreed written noise management scheme and the last 12 months of written reviews must be kept on the premises at all times and be available to the Environmental Health team upon request within 7 days of such a request.

2) Noise and vibration from the premises will be maintained at a level that will not be audible/felt at the façade of any noise sensitive premises.

3) All external windows and doors to the rooms where regulated entertainment is being provided shall remain closed during the course of the entertainment other than for normal access or egress.

4) Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.

Informative Note:

Licensees are advised to carry out a simple “sound check” outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Steps should then be taken to reduce the volume of the noise.

In the case of complaint or dispute and for the purpose of providing an objective standard to assess whether this condition is being complied with or not, noise shall be considered **not** to be audible if:

a) the measurement of sound when music etc is on (expressed as LAeq, 1min) does not exceed the measurement of sound (expressed as LA90, 5min) when the music is off, and

b) the measurement of sound in each 1/3rd octave band between 40Hz and 160Hz when music is on (expressed as L10, 1min) does not exceed the measurement of sound in the same 1/3rd octave bands between 40Hz and 160Hz when music is off (expressed as L90, 5 min)

All measurements to be taken within the habitable room normally occupied at the time in question, using a Type 1 integrating-averaging sound level meter compliant with BS EN 60804, with either windows open for normal ventilation or closed, whichever situation causes greater noise disturbance.

5) Regulated entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises or positioned internally such that the sound is directed through external doors, windows or other openings in the structure.

6) The playing of live or recorded music in the outside seating area of the premises is not permitted.

7) The designated Premises Supervisor shall have full control over the sound amplification system for regulated entertainment in the premises. The volume shall be adjusted according to the requirement of the Licensing Authority/Responsible Authority.

8) Prominent, clear notices shall be displayed at all exits requesting customers and staff to respect the needs of local residents and leave the premises and area quickly and quietly.

9) Customers shall not use external areas of the premise for eating and/or drinking between the hours of 21:00 and 09:00 Monday to Sunday.

10) The disposal of waste bottles into external receptacles shall not take place between the hours of 20:00hrs-09:00hrs Monday to Saturday, and 20:00hrs-10:00hrs Sunday.

Contact details for Mediation

Name: Gemma Demaline

Email: gemma.demaline@harrogate.gov.uk

Phone number: 01423 500600 Ext: 58526

Date sent to Licensing Authority: 15 September 2022

Signed:



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Wan Malachi

From: Gemma Demaline
Sent: 16 September 2022 10:22
To: Licensing
Subject: Re: Environmental Protection Rep - WK/222304008

Morning,

I can confirm I am happy to withdraw my representation.

Regards

Gemma Demaline,
Environmental Health Officer (Environmental Protection)

Safer Communities
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

Telephone number: [01423 500600](tel:01423500600) (ext. number [58526](tel:01423500600))
Working hours: Monday & Tuesday 09:15 - 14:45, Wednesday & Thursday 09:15 - 16:00, Friday 09:15-16.15

From: Licensing <licensing@harrogate.gov.uk>
Sent: Friday, September 16, 2022 9:50:57 AM
To: Gemma Demaline <Gemma.Demaline@harrogate.gov.uk>
Subject: FW: Environmental Protection Rep - WK/222304008

Hi Gemma,

The applicant is happy to conditions. Are you happy to withdraw your rep?

Many thanks

Freja Lythgow
Technical Support Officer
Safer Communities
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

☎ Tel: 01423 500600 Ext 58515
✉ E-mail: freja.lythgow@harrogate.gov.uk
🌐 Website: www.harrogate.gov.uk

Working Pattern:
Monday-Friday 8.30-5pm

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Your feedback is important to us. Please take a few moments of your time to complete our [customer satisfaction survey](#) to let us know how we performed, thank you.

From: Dave Swallow [REDACTED]
Sent: 16 September 2022 09:12
To: Licensing <licensing@harrogate.gov.uk>
Subject: Re: Environmental Protection Rep - WK/222304008

Warning: This email is from an external source outside of the organisation. Do not click links, open attachments, reply or forward internally unless you know and trust the sender.

Hi Freja,
Thank you for sending this over. I've had one from the police as well.

I'm quite happy with these. Do I update the license or do I just need to contact the departments?

Thanks,
Dave

On Thu, 15 Sep 2022 at 14:43, Licensing <licensing@harrogate.gov.uk> wrote:

Good Afternoon,

[AAA, 129 Cold Bath Road, Harrogate, North Yorkshire, HG2 0NU](#)

PREMISES LICENCE APPLICATION

LICENSING ACT 2003

Please find attached a representation raised by Harrogate Borough Council's Licensing Team in respect of the above application.

You should give this representation your careful consideration and you are encouraged to resolve the issues raised by negotiation directly with the relevant responsible authority. The contact details are included on the representation.

If you agree to the proposed conditions forming part of your premises licence please notify us and we will request that the representation is formally withdrawn.

If you don't agree to the proposed conditions forming part of your premises licence and resolution cannot be reached and the representation is not withdrawn the application will be dealt with at a Licensing Sub-committee hearing which will be arranged within 20 days of the end of the consultation period. Please be aware that the Licensing Authority has a maximum of two months from the original submission of the application to make a final determination so it is important that any negotiation is swiftly conducted.

Many thanks

Freja Lythgow
Technical Support Officer
Safer Communities
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

☎ **Tel: 01423 500600 Ext 58515**
✉ **E-mail: freja.lythgow@harrogate.gov.uk**
🌐 **Website: www.harrogate.gov.uk**

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—
Dave Swallow
Audio Architect Apparel

Audio Architect Apparel

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Wan Malachi

From: Licensing
Sent: 27 September 2022 14:09
To: [REDACTED]
Subject: AAA Premises licence application (our reference WK/222304008)

Good afternoon

**AAA, 129 Cold Bath Road, Harrogate, HG2 0NU
 NEW PREMISES LICENCE APPLICATION
 LICENSING ACT 2003**

Thank you for your email received by licensing on 27/09/2022.

We have accepted your points raised in relation to Public Nuisance only, which is one of the four licensing objectives; these are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

All representations must be about the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. You must therefore, explicitly link any representation to one or more of the objectives. Representations should be specific to the premises and evidence based.

As part of the application process any relevant representations are forwarded to applicants to encourage mediation between all parties. Applicants would be expected to mitigate specific issues raised by addressing these and applying suitable control measures, whether voluntarily or by way of appropriate conditions attached to the premises licence. It is an important part of the process that applicants are given the opportunity to address specific matters raised in any representations.

I can advise that conditions have been agreed with North Yorkshire Police and Harrogate Borough Council's Councils Environmental Protection Team (see below) If these conditions satisfy your concerns please withdraw your representation by emailing licensing@harrogate.gov.uk

Should you not wish to withdraw your representation then the application will be heard by a licensing sub committee hearing, you will receive the relevant information and invite in due course.

Harrogate Borough Councils Environmental Protection Team

1) The premises will produce a noise management scheme to be submitted to and approved in writing by the Environmental Health team which specifies the provisions to be made for the control of noise emanating from the site. A review of the written noise management scheme shall be carried out by the person responsible for the site every 12 months and upon receipt of a justified noise complaint. Any alterations to the written noise management scheme as a result of a review must be submitted to and approved in writing by the Environmental Health team. The agreed written noise management scheme and the last 12 months of written reviews must be kept on the premises at all times and be available to the Environmental Health team upon request within 7 days of such a request.

2) Noise and vibration from the premises will be maintained at a level that will not be audible/felt at the façade of any noise sensitive premises.

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4) Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.

Informative Note:

Licensees are advised to carry out a simple "sound check" outside the nearest noise sensitive property by listening to the music etc. coming from regulated entertainment. If the music etc. is clearly audible then it is likely that this condition is being breached. Steps should then be taken to reduce the volume of the noise.

In the case of complaint or dispute and for the purpose of providing an objective standard to assess whether this condition is being complied with or not, noise shall be considered **not** to be audible if:

- a) the measurement of sound when music etc is on (expressed as LAeq, 1 min) does not exceed the measurement of sound (expressed as LA90, 5min) when the music is off, and
- b) the measurement of sound in each 1/3rd octave band between 40Hz and 160Hz when music is on (expressed as L10, 1min) does not exceed the measurement of sound in the same 1/3rd octave bands between 40Hz and 160Hz when music is off (expressed as L90, 5 min)

All measurements to be taken within the habitable room normally occupied at the time in question, using a Type 1 integrating-averaging sound level meter compliant with BS EN 60804, with either windows open for normal ventilation or closed, whichever situation causes greater noise disturbance.

5) Regulated entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises or positioned internally such that the sound is directed through external doors, windows or other openings in the structure.

6) The playing of live or recorded music in the outside seating area of the premises is not permitted.

7) The designated Premises Supervisor shall have full control over the sound amplification system for regulated entertainment in the premises. The volume shall be adjusted according to the requirement of the Licensing Authority/Responsible Authority.

8) Prominent, clear notices shall be displayed at all exits requesting customers and staff to respect the needs of local residents and leave the premises and area quickly and quietly.

9) Customers shall not use external areas of the premise for eating and/or drinking between the hours of 21:00 and 09:00 Monday to Sunday.

10) The disposal of waste bottles into external receptacles shall not take place between the hours of 20:00hrs-09:00hrs Monday to Saturday, and 20:00hrs-10:00hrs Sunday.

Police

1. **Incident & Refusals Register**

An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- *crimes reported to the venue related to licensable activity*
 - *complaints received regarding crime and disorder related to licensable activity*
 - *any incidents of disorder*
 - *any refusal of sale*
- *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 runs from the date of that particular entry]*

2. **Staff Training**

A documented training programme shall be provided to all staff involved in licensable activities in respect of the:-

- *operation of the cctv system, including the downloading of evidence (can be designated staff only)*
- *retail sale of alcohol*
- *age verification policy*
- *conditions attached to the Premises Licence;*
- *permitted licensable activities;*

- the licensing objectives;
- any training specified by north Yorkshire police licensing in respect of safeguarding & vulnerability (Police can arrange WAVE training / welfare & vulnerability training at the venue)
- opening times for the venue.

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 runs from the date of that particular entry];

3 - CCTV

A digital colour CCTV system will be installed at the premises and will cover all areas where licensable activity takes place.

- It will be maintained, working and recording at all times when the premises are open.
- The recordings should be of capable of providing clear images to be produced in Court or other such hearing.
- Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 24 hrs upon request. Subject to Data Protection requirements.
- Copies of the recordings will display the correct time and date of the recording.
- North Yorkshire Police licensing unit must be immediately informed (via email) if the cctv system is not operational. Immediate steps should be taken to repair the cctv system and get it back online within ten working days of the discovery of the fault. Details of the above should be fully documented in the premises incident log book.

It is the responsibility of the management to ensure that there are sufficient members of staff and/or management available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

4 - No open drinking vessels, or bottles, shall be taken out of the licensed premises, or licensed area, on to the pavement or highway, except for consumption in a clearly delineated external area, intended for this purpose, i.e. an area covered by a pavement licence or within a beer garden or outdoor seated area under the control of the premises.

5 - All "off sales" of alcohol shall be in sealed containers except where they are for consumption in a clearly delineated external area, intended for this purpose, i.e. an area covered by a pavement licence or within a beer garden or outdoor seated area under the control of the premises.

6 - Last orders for alcohol will be 30 minutes before the premises is due to close (other than for "off sales")

7. It is the responsibility of the dps / manager to risk assess all events to be held at the premises, this would include risk assessing the need for SIA door supervisors for each event. The risk assessment must be recorded in the incident report book.

8. No person under 18 shall be permitted to remain on the premises after 21:00 hrs (except for staff working at the premises)

9. The premises shall operate the Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

10. Prominent, clear and legible notices shall be displayed at all exits to the premises requesting customers respect the needs of local residents when smoking outside and to leave the area quietly.

11. If the need is ever identified the premises licence holder or DPS shall employ SIA licensed security staff to the satisfaction of North Yorkshire Police and the Licensing authority.

12. All regulated entertainment shall take place inside the building and doors and windows shall remain closed while the regulated entertainment is taking place (save for entry and egress)

Kind regards

Nicola Kemp
Senior Licensing Technical Support Officer
Safer Communities
Harrogate Borough Council

PO Box 787
Harrogate
HG1 9RW

Tel: 01423 500600 Ext 58513
E-mail: Nicola.Shepherd@harrogate.gov.uk
Website: www.harrogate.gov.uk

Working Pattern:
Mon to Fri 08:00 – 16:00

Your feedback is important to us. Please take a few moments of your time to complete our [customer satisfaction survey](#) to let us know how we performed, thank you.

From: stuart.pickford [REDACTED]
Sent: 27 September 2022 08:05
To: Licensing <licensing@harrogate.gov.uk>
Cc: [REDACTED]
Subject: Objection to Bar at 129 Cold Bath Road

Warning: This email is from an external source outside of the organisation. Do not click links, open attachments, reply or forward internally unless you know and trust the sender.

Dear Harrogate Council,

I am a local resident who lives just off Cold Bath Road, [REDACTED] from the proposed music venue on Cold Bath Road itself.

The premises, 129 Cold Bath Road, has applied for an alcohol license and a license to play recorded music until midnight, Monday to Sunday.

I am opposed to this as the closing time of midnight seems very late. Directly opposite 129 Cold Bath Road are flats and residential houses. It is the same behind 129 Cold Bath Road [REDACTED]. The noise pollution would be unwelcome.

Secondly, people leaving the premises, starting cars and talking in the streets at such a time would be unwelcome. This would cause further disruption.

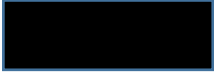
Thirdly, there is very little parking in this area in the evenings as people come home from work. Over the years, it is the case that we have to sometimes park our one car a few streets away as parking is so tight. I am not sure that there is sufficient parking for this proposed bar.

It seems to me that locating a bar in a residential area would not be good for the bar and the local residents; surely a town-centre location would be better.

Fifthly, Sunday is a quiet, family day; I am not sure the bar would have the support of the local residents in changing the nature of where we live and have lived for many years.

I do not support the council when they replace shops that open 9 to 5 with bars that play music and close at midnight. Please will you support and preserve our residential areas. Please reject this proposal.

With thanks,
Stuart Pickford



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Wan Malachi

From: Licensing
Sent: 28 September 2022 09:26
To: 'Nick Fisher'
Cc: Licensing
Subject: RE: AAA, Premises Licence application (our reference WK/222304008)

Good afternoon

**AAA, 129 Cold Bath Road, Harrogate, HG2 0NU
NEW PREMISES LICENCE APPLICATION
LICENSING ACT 2003**

Thank you for your email received by licensing on 27/09/2022.

We have accepted your points raised in relation to Public Nuisance only, which is one of the four licensing objectives; these are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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As part of the application process any relevant representations are forwarded to applicants to encourage mediation between all parties. Applicants would be expected to mitigate specific issues raised by addressing these and applying suitable control measures, whether voluntarily or by way of appropriate conditions attached to the premises licence. It is an important part of the process that applicants are given the opportunity to address specific matters raised in any representations.

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- *age verification policy*

- conditions attached to the Premises Licence;
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10. Prominent, clear and legible notices shall be displayed at all exits to the premises requesting customers respect the needs of local residents when smoking outside and to leave the area quietly.

11. If the need is ever identified the premises licence holder or DPS shall employ SIA licensed security staff to the satisfaction of North Yorkshire Police and the Licensing authority.

12. All regulated entertainment shall take place inside the building and doors and windows shall remain closed while the regulated entertainment is taking place (save for entry and egress)

Should these agreed conditions allay your concerns please withdraw your representation by responding to this email, if you don't wish to withdraw your representation we will forward your email to the applicants for their response (your email address, telephone number and home address will be removed). Should we not receive a response from you today your objection will be forwarded to the applicant tomorrow morning.

Kind regards

Nicola Kemp
Senior Technical Support Officer
Safer Communities
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

☎ Tel: 01423 500600
✉ E-mail: Nicola.Kemp@harrogate.gov.uk
🌐 Website: www.harrogate.gov.uk

Working Pattern:
Mon to Fri 08:00 – 16:00

To subscribe to our Residents' News, for the latest news and updates about the work of the council, please visit: www.harrogate.gov.uk/residentsnews

Your feedback is important to us. Please take a few moments of your time to complete our [customer satisfaction survey](#) to let us know how we performed, thank you.

STAY ALERT CONTROL THE VIRUS SAVE LIVES

From: Nick Fisher [REDACTED]
Sent: 27 September 2022 21:44
To: Licensing <licensing@harrogate.gov.uk>
Subject: AAA, 129 Cold Bath Road, Harrogate, HG2 0NU NEW PREMISES LICENCE APPLICATION LICENSING ACT 2003

Warning: This email is from an external source outside of the organisation. Do not click links, open attachments, reply or forward internally unless you know and trust the sender.

Hi

I am writing to place my objection to the licensing application for the above address, because of The prevention of public nuisance

I would like to point out the local bars in the area, specifically District Bar and The Last Post, have a closing at 9 pm on a Sunday and 11 pm on other days. A 12pm closing, which invariably means much later when customers finally leave. This is a heavily residential area. I live [REDACTED] from the proposed bar, with 2 young children and do not want to have them disturbed by clientele leaving being drunk, loud and potentially urinating in our street.

I am not opposed to the bar per se, but the hours of opening seem very late for a residential area.

Regards

Nick Fisher
[REDACTED]

**HARROGATE BOROUGH COUNCIL
LICENSING ACT 2003**

REPRESENTATION FORM

Your name/organisation name/name of body you represent	Harriet Heron
Organisation name/name of body you represent (if appropriate)	
Your postal address	██████████ ██████████
Name of the premises you are making a representation about	Audio Archtct Experience Ltd
Address of the premises you are making a representation about	AAA, 129 Cold Bath Road, Harrogate, North Yorkshire, HG2 0NU

What are you making a representation about?
Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)
Hours of opening and level of noise

To be valid, your representation **must** relate to at least one of the four Licensing Objectives

Licensing Objective	<i>Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	We are concerned about the level of noise from the premises with regards to a closing of midnight. This goes beyond any closing of other local bars.
To protect children from harm	

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	Earlier closing hours, especially during the week and on Sundays.
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I fully understand that this Representation will be made available to the applicant and included in the Sub Committee's Hearing papers which are publically accessible documents, and any subsequent appeal court proceedings.

If this form is sent as an email attachment, its transmission will imply that you have agreed the above conditions.

Please see Notes below.

NOT FOR PUBLICATION

Your e-mail address	[REDACTED]
Your contact telephone number	[REDACTED]

SUPPORTING NOTES

If you do make a representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.

This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact Licensing by email: licensing@harrogate.gov.uk or telephone: 01423 500600 ext 56843 if you are in doubt about the date.

They can only relate to the four licensing objectives.

Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. Your representation will therefore be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representation will be published in the report available to the Licensing Sub-Committee, which will be publicly available. Names and addresses will only be withheld from the Sub-Committee report at your request. Email addresses and contact telephone numbers will not be publicly available.

In exceptional circumstances, persons making representations to this authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. If you are concerned about potential repercussions following submission of a representation then you must make this Department aware and we can consider alternative approaches.

Please return this form when completed along with any additional sheets to: licensing@harrogate.gov.uk
Or:

Safer Communities (Licensing)
Harrogate Borough Council
P.O. Box 787
Harrogate
HG1 9RW

Dear Neighbours,

Thank you for raising your concerns. It's great that you can share your concerns and I welcome them.

May I start by telling you that one of my dreams for many years was to open a store. Unfortunately, with the current economic climate somewhat on the inclement side, traditional stores are finding trading exceedingly hard, and Cold Bath Road is unfortunately no exception. Looking at ways to mitigate the potential pitfalls of opening a store at this time we are opening a chic retail space within a bar/café which will create a more sustainable business and means the unit will not fall into vacancy like so many other units in our town, it will also create sustainable jobs.

Combining some cool retail within a café/bar we are creating a far more sustainable business and as a result our clients and residents will be able to enjoy a different retail experience to anything else found in our town. Having businesses that are able to survive through tough economic times are really important, not just for the business owners, but also staff and the local residents. It's a shame, but retail units standing empty soon begin to look shabby and lower the appeal of the local area, and potentially lower house prices. A chic café/bar will enable local residents to indulge their passions on the doorstep without the need for transport.

Can I please state that this is not a music venue, this is a music inspired retail experience. Music venues are for in town and I don't think it would serve the local community particularly well if it were. I have built a successful career in the music industry for over 25 years working with some truly awesome people and experiencing some incredible things. I would like to be instrumental in bringing some of the joyful experiences of the purest sound of music to share with my community here in Cold Bath Road.

Our music inspired shop/cafe/bar will realistically reflect the opening hours of other venues along Cold Bath Road. I agree, opening till midnight on a Sunday does seem a bit daft and this doesn't make any commercial sense. You've seen the how quiet the street is then? To help with the validity of the business we will look to host the occasional, small private function. This makes more sense than just opening the doors to the public all the time and will also help create jobs in the local community.

I completely understand the concerns raised about public nuisance outside the property. Being a local resident myself, living no more than 40 metres from the location, my children, family and myself would rather prefer that our clients use our facilities rather than the surrounding streets. I'd like to think I've been a good neighbour for all these years and I want to be considerate of you all. In our research, we did not see any instances of this when District opened its doors so we would expect the same.

When it comes to parking, we've seen a lot of larger Victorian properties locally converted into apartments which has put a massive strain on parking in the area. We've also seen

Harrogate Council push for more sustainable modes of transport which includes on foot. My real hope is that my friends and neighbours will walk to our friendly facility. I really can't anticipate any increase in traffic to the area that will cause any problems with parking for local residents especially in the evening when returning from work. It is very much frowned upon to be behind the wheel of a car when alcohol has been consumed. We anticipate the majority of our clients will be on foot as they walk up and down Cold Bath Road.

To alleviate concerns over noise pollution, I can speak with some authority and experience as one of the UK most top and knowledgeable live sound engineers. Understanding how sound 'leaks' from venues is key to this and the planned design means any speakers will be kept away from any doors or windows. With the combination of soft surfaces and clarity in the audio system, we can create an extremely good listening environment while having the ability to converse with fellow patrons. This is not about volume. The Environmental Health agency has asked us to comply with specific terms with regards to noise abatement. Specifically around noise transfer from our property and noise from our customers when outside the building. We have agreed to comply with these conditions.

Kind regards