

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 27th August, 2024 commencing at 10.00 am.

Councillor Tim Grogan in the Chair plus Councillors Kevin Foster and Andy Paraskos.

Officers present: Lynne Ashton - Regulatory Solicitor, Wan Malachi – Senior Licensing Enforcement Officer, Gareth Bentley – Head of Licensing (observer); and Dawn Drury – Democratic Services Officer

Copies of all documents considered are in the Minute Book

21 Election of Chair

Resolved:-

That Councillor Tim Grogan be elected as Chair for the meeting.

(Councillor Tim Grogan in the Chair)

22 Apologies for Absence

There were no apologies for absence.

23 Disclosures of Interest

There were no declarations of interest.

24 Procedure for Licensing Hearings

The attached procedure was noted.

25 **The Wicked Wolf, Unit 3, The Royal Baths, Montpellier Road, Harrogate, HG1 2WL - Application for the grant of a Premises Licence**

The Sub-Committee considered the report of the Corporate Director of Environment which sought determination of an application for a new premises licence in respect of The Wicked Wolf, Unit 3, The Royal Baths, Montpellier Road, Harrogate, HG1 2WL.

The Senior Licensing Enforcement Officer introduced the report, which had been circulated to all parties, and explained that the licence was for the following licensable activities:

Performance of plays, exhibition of films, Live and Recorded Music, Performance of dance, Sale by Retail of Alcohol

Monday to Sunday 1000hrs until 0300hrs

Late night refreshment

Monday to Sunday 2300hrs until 0300hrs

Opening hours

Monday to Sunday 1000hrs until 0330hrs

Non-Standard Timings**Performance of plays, exhibition of films, Live and Recorded Music, Performance of dance, Sale by Retail of Alcohol and Late night refreshment:**

An additional hour on the standard and non-standard timing on the day when British Summertime commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Members noted that the Live Music Act 2012 removed the licensing requirement for amplified live music taking place between 0800hrs and 2300hrs before audiences of no more than 500 persons on premises authorised to supply alcohol for consumption on the premises, and that background music was also exempt.

The Licensing officer confirmed that prior to making the application the Applicant had liaised with North Yorkshire Police and had agreed additional conditions to the licence, these conditions being already detailed within the application and report. Representations had been received from the Environmental Protection team of North Yorkshire Council, which the Applicant had accepted in full and agreed to additional conditions, as detailed in appendix 5 of the report. It was further confirmed that eleven representations had been received from other persons; eight of which had been in relation to the objective of public nuisance and noise, and three representations in support of the application.

The Senior Licensing Enforcement Officer reminded the Sub-Committee of the Licensing Objectives and referred Members to the steps the Applicant intended to take to promote the licensing objectives, as detailed in the application at appendix 1 of the report.

Submission by the Applicant

The legal representative for the Applicant addressed the Sub-Committee and confirmed that the Applicant was an experienced local operator who operated other similar late-night establishments, and who also ran a security business. It was explained that the Applicant had made a substantial personal investment into the premises, which was expected to create around 20 to 25 local jobs. The Applicant intended to make little or no change to the structure of the premises and would operate the left side of the premises mainly for the consumption of food, with an intention to use more often during the daytime, whereas the right side of the premises would be for the playing of music including a stage area and disc jockey. In relation to the external terraced area of the premises it was explained the licence conditions would restrict the use of this area by customers for eating and/or drinking to between the hours of 10:00 to 22:00 only.

In order to address concerns from persons making representations, Members were referred to the Dispersal policy provided by the Applicant, that had been circulated as a supplementary agenda, to which North Yorkshire Police had raised no objections. It was explained that during the operation of the premises on late nights the Applicant intended to have door staff located at the front of the premises, inside the premises and at the bottom of the stairs, all of whom would ensure customers left the premises in a quiet and orderly manner.

In response to questions from members, it was advised that no glass would be allowed outside the premises after 22:00hrs, and that whilst customers would be allowed to use external areas for smoking, the intention was to close the doors leading to the external terraced area around 22:00hrs, thus leaving customers to exit the premises via the main

door of the premises for smoking purposes.

Finally, Members heard that due to personal details of the representors not being included within the report, the Applicant had been unable to make contact with those persons in relation to their concerns, however, the Applicant would provide a contact telephone number for a duty manager to local residents, whom they could contact should they experience disturbance from the premises.

Submission by a Representor

The Sub-Committee heard from one of the representors, who advised they had lived in their present home for 24 years, and whilst there were no problems initially, noise and disturbance had increased dramatically over the last few years; they were frequently woken up in the early hours of the morning from noise and disturbances from persons outside the property, who it was believed had been customers of other local late-night premises. The representor stated that if the application was approved, it was their belief that this would increase the noise and disturbance local residents regularly suffered in the early hours of the morning.

Members noted that in the past the disturbances suffered by local residents from customers leaving other late night establishments in the locality were in the form of customers leaving premises intoxicated, causing loud noise to the point of waking up local residents, accessing the residents-only car park by foot, ringing residents door bells, vomiting and urinating close to the residents property and/or in the residents car park; all occurring in the early hours of the morning. The representor commented that these were all activities and in areas which the Applicant was unable to control, but which they believed would only increase if the application was approved.

The representor acknowledged the Applicant's offer to provide a telephone contact number in event of disturbances from the premises but advised this would mean that residents would have already been woken up in the night from the noise and disturbances outside. Members heard that the main concern was that the Applicant had given no guarantee that customers leaving their premises would not cause noise and/or nuisance; instead, the Applicant used words such as 'we will endeavour', which gave no guarantees to the local residents.

The meeting was adjourned to allow Members to deliberate the application.

The Sub-Committee considered the report from the Director of Environment including appendices 1 – 7.3, written and oral representations from all parties, the Applicant's Dispersal Policy as detailed in the Supplementary Agenda of the Licensing Sub-Committee, whilst also taking into account the Licensing Act 2003, the Secretary of State Guidance issued under section 182 of the Licensing Act 2003, North Yorkshire Council's Statement of Licensing Policy, and the promotion of the licensing objectives.

Resolved-

The Sub-Committee resolved unanimously to grant the premises licence application as detailed in the report, subject to the conditions agreed with North Yorkshire Council's Environmental Protection and to all mandatory conditions as required by the Licensing Act 2003.

The meeting concluded at 10.54 am.