

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 17 June 2025 commencing at 10.00 am.

Councillor Tim Grogan in the Chair plus Councillors Kevin Foster and Andrew Timothy.

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

Copies of all documents considered are in the Minute Book

1 Election of Chair

Resolved

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

2 Apologies for absence

There were no apologies for absence.

3 Disclosures of interest

There were no declarations of interest.

4 Procedure for meeting

The attached procedure was noted.

5 Application for the grant of a Premises Licence for the Northern Performance Academy, Jubilee Works, Anchor Road, Harrogate, HG1 4TA

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 Northern Performance Academy, Jubilee Works, Anchor Road, Harrogate, HG1 4TA.

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:

Sale by retail of alcohol

Monday to Saturday 1200hrs until 2200hrs

Opening hours

Monday to Saturday 0900hrs until 2200hrs

Members heard that the applicant had agreed with North Yorkshire Police a number of additional conditions that would form part of any premises licence; detailed at appendix 4 of the agenda pack and, as such, no representation was made.

A representation had been received from North Yorkshire Council's (NYC) Environmental Protection team, which the applicant had accepted in full and additional conditions had

been agreed as detailed at appendix 5 of the agenda pack, and the representation was subsequently withdrawn.

Members noted that North Yorkshire Council's Children and Young Peoples Service had also been consulted on the application, but no representations had been received from them.

In terms of representations from other persons, fifteen had been received on the objective's prevention of public nuisance and protection of children from harm, however, two of these were withdrawn prior to publication of the agenda pack. One further representation was withdrawn after publication and was shown at appendix 7.6 from page 77 of the agenda pack. The remaining representations were detailed at appendices 7.3 to 7.14 of the agenda pack along with an amended representation at page 15 of the supplementary agenda pack. This resulted in a total of twelve representations for the Licensing Sub-Committee to consider and determine.

The licensing officer reminded Members of the four Licensing Objectives and referred the 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.

Finally, the licensing officer confirmed that the Licensing Authority had received no complaints regarding the premises, however NYC's Environmental Protection team had received one complaint in May 2022 regarding noise from an outdoor children's play area, associated with the nursery in the same building at the premises; the licensing officer advised this case was closed as no further information had been submitted by the complainant to demonstrate a noise disturbance. Members also noted that the Environmental Protection team had been asked by the council's Planning Enforcement team for assistance following a complaint they had received in July 2022, again in relation to an outdoor children's play area; the licensing officer advised this was not counted as a complaint by the Environmental Protection team as the complainant wished the matter to be dealt with by the Planning team.

Submission by the Applicant

The applicant, Kelly Nevett, addressed the Sub-Committee and gave an overview of the business, which had been established in 2020 following the renovation of a derelict factory, to provide an arts and cultural centre to serve the local community. The building now housed three different businesses, including the Northern Performance Academy and a children's nursery. It was further clarified that each business operated independently, with separate entrances and clearly defined spaces within the premises.

Members heard that this was a family run business who wished to provide a café bar for those attending the premises and for the benefit of the local community, operating until 10pm at the latest, there was no intention to operate beyond this time, and reference was made to other local businesses and schools who had the benefit of a premises licence for similar events.

The applicant advised the Sub-Committee Members of her previous experience in the hospitality and catering business and that she held a personal licence for the sale of alcohol; advising she also managed one further licensed premises in Harrogate.

Following complaints from local residents which related to noise from the premises, the applicant highlighted the measures put in place, including the installation of air conditioning in the performance area within the premises, to negate the need to open external doors and windows during the operation of the business, and also that closed circuit television (CCTV) had been installed at the entrance and bar area of the premises. The applicant advised the Sub-Committee Members that she had liaised with all necessary experts, including North Yorkshire Police and NYC's Environmental Protection

team, and had accepted and agreed to implement their suggested additional conditions to any licence granted.

In answer to questions from Members the applicant advised the café bar would not be open to members of the public, nor could members of the public access the premises; in the main the business operated for children, with adults attending to watch their children perform; the applicant confirmed that only 15% of the business's customers were 18 years of age or over. It was explained the telephone number for the premises was clearly displayed at the front of the building, this was to allow local residents to contact the applicant in the event of any disturbance from the premises. In terms of noise complaints only three had been received to date and in response to these concerns, air conditioning had been installed at the premises, and the applicant now ensures that all windows would remain closed during licensable activities to minimise any potential disruption.

Submissions from representors

In his oral representation, Councillor Aldred stated that he was speaking on behalf of at least 15 local residents who had raised concerns about noise and other issues at the premises. He noted that, in his seven years as a Councillor, this was the first time he felt compelled to attend a Licensing Sub-Committee hearing, reflecting the volume and seriousness of the complaints. He argued that the premises differed from other licensed venues such as theatres and schools, both in location and in nature, as this was a commercial business rather than a charitable organisation. Councillor Aldred attributed local opposition to the applicant's track record since the business began in 2021 and the way previous complaints had been handled. He expressed concern that granting the licence would lead to continued noise nuisance for residents, however, he acknowledged that noise from the nursery within the same building was a separate matter not relevant to the current application.

In response to the applicant's presentation, Councillor Aldred stated that he believed more than three complaints had been made to the applicant, noting that calls often went unanswered and diverted to voicemail, including complaints from a local resident who worked shift patterns. The applicant responded that the complaint likely related to a staff line-dancing event during which windows were mistakenly left open, and assured Members this would not recur. Councillor Aldred also queried whether the premises would be used for parties or events, as suggested on the applicant's website. The applicant clarified there were no plans to host parties, weddings, or similar events, and that only internal staff gatherings, such as Christmas and summer events, had previously taken place.

Councillor Aldred concluded by recommending that the application be refused, but should the Sub-Committee be minded to grant the application, he requested that consideration be given to reducing the premises' operating hours.

Harrogate Town Councillor Josie Caven then addressed Members and asked that they consider refusing the application as she believed the application failed to promote the licensing objectives, particularly the objectives of 'prevention of public nuisance' and 'the protection of children from harm'; she then went on to explain her concerns in relation to each of these licensing objectives. Councillor Caven referred to the guidance to local authorities under s.182 Licensing Act 2003, quoting the guidance which states 'The protection of children from harm includes the protection of children from moral, psychological and physical harm'. Councillor Caven suggested this included not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletive, expressing concern about the possible harmful effect of consumption of alcohol at the premises on children.

Councillor Caven expressed general concern about the application, particularly regarding the separation of the premises from other businesses within the building, which she

believed could pose a risk to children. She also raised concerns about potential noise and other disturbances to local residents associated with alcohol consumption at the premises and urged the sub-committee to take these issues into account.

A local resident provided an oral representation in which she began by expressing her appreciation for living in the vicinity of the premises. While she hoped that the issues associated with the premises could be resolved, she highlighted that previous staff parties had caused noise disturbance for nearby residents, with ongoing noise from the premises adversely affecting both her personal life and her ability to perform her duties as a nurse who worked a shift-based working pattern. The representor also raised concerns about the increased parking problems in the vicinity of the premises but accepted the advice that parking issues were not a matter for consideration by the sub-committee when determining the application. In response the applicant advised she anticipated holding no more than two staff parties per calendar year and confirmed that during these events, all external doors and windows at the premises would remain closed at all times to minimise noise disturbance. Furthermore, she stated that all staff would be expected to vacate the premises by no later than 10:30 p.m.

In response to comments made by those making representations, the licensing officer explained the procedure in relation to a Temporary Event Notice (TEN), in that this was a notification to the Licensing Authority rather than an application, and that an individual who held a personal licence could hold up to 50 temporary events each year. All parties confirmed that they had said all that they needed to say in relation to the application.

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 to 7.14b, containing written representations numbered 7.3, 7.4, 7.5 and 7.5c, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14 and the applicant's responses to the representations numbered 7.3 to 7.8 3, the supplementary agenda containing the applicant's response to those representations at appendices 7.9, 7.10, 7.11 and 7.13, and representation number 15 from an objector. All written and oral representations from all parties, whilst also taking into account the Licensing Act 2003 (as amended), 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.

The Sub-Committee considered no evidence had been presented to them to establish that approval of the application would fail to promote the licensing objectives. This was an application for a new premises licence in which the applicant had already taken measures to deal with any possible noise disturbance from the premises, including installing air conditioning at the premises to negate the need for windows and external doors to be open. Whilst acknowledging and appreciating the concerns expressed by persons making representations, including those verbally presented at the licensing hearing, the Sub-Committee Members were satisfied no evidence had been presented to them which suggested that the application failed to promote the licensing objectives. The Sub-Committee was satisfied the applicant had addressed the promotion of the licensing objectives in the application and that approval of the application would promote the licensing objectives.

The Licensing Sub-Committee Members stated that they were impressed by the applicant's presentation of her application and of her willingness to address concerns about the premises from local residents, including the applicant's willingness to meet with elected members and local residents to discuss any issues at the premises.

Decision

The Sub-Committee resolved unanimously to grant the premises licence as detailed in the report, subject to the addition of the following two conditions.

1. Except for access and egress, all external doors and windows shall be kept closed at all times when licensable activities are taking place on the premises.
2. The duty on call telephone/number should be on the person of the manager on duty at the premises at all times when licensable activities are taking place at the premises.

The above conditions were in addition to those conditions agreed by the applicant with North Yorkshire Police and North Yorkshire Council's Environmental Protection team and to all mandatory conditions as required by the Licensing Act 2003.

The Senior Solicitor advised all those in attendance that there was a right of appeal to the Magistrates Court against this decision.

Finally, the Sub-Committee explained that should the approval of the application lead to complaints to the Licensing Authority by local residents or persons on their behalf, the Sub-Committee could review the licence at a later date. On the issue of any possible future disturbances from the premises, the Chair of today's Licensing Sub-Committee, Councillor Grogan, advised that local residents could contact him directly in the event of unreasonable noise and/or disturbance from the premises; his contact details could be found on North Yorkshire Council's website.

The meeting concluded at 11.50 am.