

# North Yorkshire Council

## Statutory Licensing Sub-Committee

Minutes of the meeting held on Wednesday, 10th May, 2023 commencing at 10.00 am.

In attendance: Councillors Tim Grogan, Kevin Foster and Peter Wilkinson.

Officers present: Rachel Braithwaite, Principal Regulatory Solicitor, Tim Chadwick, Licensing Manager, Emma Hayton, Assistant Licensing Officer, David Smith, Democratic Services and Scrutiny Officer and Vicky Davies, Senior Democratic Services Officer.

Apologies: None.

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**Copies of all documents considered are in the Minute Book**

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### **6 Election of Chair**

Councillor Grogan was elected Chair of the Sub-Committee after Councillor Foster proposed the motion and Councillor Wilkinson seconded it.

Councillor Grogan welcomed everyone to the meeting and introductions were made.

### **7 Apologies for Absence**

There were no apologies for absence.

### **8 Declarations of Interest**

There were no declarations of interest.

### **9 Procedure for Licensing Hearings**

The Procedure for Licensing Hearings was noted.

### **10 Determination of a Grant Application for a Premises Licence, The Funky Monkey, 51 Main Street, Crosshills, BD20 8TT**

The Licensing Manager introduced the report, outlining the Licensing Objectives, Council Policy and the statutory guidance. It was reported that no objections had been received from the responsible authorities, but that consultation with North Yorkshire Police had led to the conditions on pages 47 and 48 of the papers being added and it was confirmed that planning permission had been granted. It was also reported that two objections had been received by members of the public, one which was later withdrawn and the other which was before Members. The remaining objector was unable to attend the meeting.

Mr Ireland, the applicant's representative, started by highlighting the difference between planning and licensing applications, reminding Members that conditions didn't have to directly correlate. In an attempt to show the applicant's credibility and experience, Mr Ireland gave a quick introduction to the applicant's background, reporting that Mr Waddington had been involved with licensed premises for some time and that he was currently a Director of Inglenook Taverns, the business that would be leased the property in Crosshills. Mr Ireland outlined the application, stating that this would be a small bar

targeting nearby residents, serving simple food and local beer. It was restated that the responsible authorities had not raised any objections with the application and that the conditions which North Yorkshire Police had introduced had been incorporated. Mr Ireland had reached out to the objectors via email and post – one subsequently withdrew their objection and there was no response received from Mr Singh. Mr Ireland suggested that there was no practical solution to the objections raised by Mr Singh. The Judgement from Daniel Thwaites Plc vs Wirral Borough Magistrates' Court was used to suggest that the application should be granted on the grounds that the objections made by Mr Singh were just speculation and did not show how the application would break the licensing objectives.

Councillor Grogan questioned what could be done about people obstructing the pavement outside the premise and it was clarified that, as long as the people weren't drinking alcohol from the premise, then the premise would not be responsible for any incidents. Mr Ireland restated that currently the planning permission didn't allow for the outside to be used but that this shouldn't affect the licensing application. He also reminded Members that no objection had been made to using the outside area on the licensing application. Councillor Grogan questioned what the occupancy of the premises would be. Mr Ireland reported that it is a maximum of 60, but that furniture would reduce this number. Councillor Grogan asked what the nearest licensed premise to this application was and the Licensing Manager informed Members that the Post Office, on the same street, was licenced and that a bar close by was also licensed. Councillor Foster searched for reassurance that no open containers would be allowed out the premise and Mr Ireland confirmed that this would be the case.

The meeting was then adjourned and all parties left the room so that Members could deliberate. The applicant was informed that a decision would be given orally on the day and in writing within 5 working days.

#### **RESOLVED –**

That, the licence is GRANTED as applied for, subject to conditions consistent with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under section 19, 20 or 21 (mandatory conditions) be included in the licence.

The meeting concluded at 10.40 am.