

Meeting: Statutory Licensing Sub-Committee.

Members: Councillors Tim Grogan, Kevin Foster and Peter Wilkinson.

Date: Wednesday, 10th May, 2023.

Time: 10.00 am

Venue: Belle Vue Suite, 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ.

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Agenda

- 1. Election of Chair**
To elect a Member to act as Chair of the meeting.
- 2. Apologies for Absence**
- 3. Declarations of Interest**
All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.
- 4. Procedure for Licensing Hearings** (Pages 3 - 4)
- 5. Determination of a Grant Application for a Premises Licence, The Funky Monkey, 51 Main Street, Crosshills, BD20 8TT** (Pages 5 - 58)
Report of the Corporate Director of Environment

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Contact Details:

David Smith, Democratic Services and Scrutiny Officer

Tel: 07542 029870

Email: david.smith1@northyorks.gov.uk

Friday, 28th April 2023.



Statutory Licensing Sub Committee

Procedure

Introduction

1. The Sub-Committee will conduct its hearings fairly, observing the basic rules of natural justice.
2. Each hearing will take the form of a discussion led by the Chairman and cross examination will not be permitted unless the Sub-Committee considers that cross examination is necessary.
3. 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.

Procedure

4. At the beginning of the meeting the Chairman shall:-
 - a) ask those present to introduce themselves;
 - b) explain the procedure;
 - c) ask the parties whether they wish permission for another person to appear at the hearing.
5. The Sub-Committee will consider requests from the parties for permission for other persons to appear at the meeting. Such permission will not be unreasonably withheld.
6. The Chairman will conduct the hearing taking representations from the parties in the following order:
 - a) the Licensing Officer who will outline the background to the case. The licensing officer's role is to provide factual information to the Sub-Committee.
 - b) the applicant/licence holder (including any person appointed to represent the party or any other persons who have been given permission to assist the party).
 - c) any party making representations (including any person appointed to represent the party or any persons who have been given permission to assist the party).

7. Before determination the applicant/licence holder will be given the final opportunity to address the Sub-Committee.
8. Each party will be given an equal maximum period of time in which to put forward any additional information requested by the Council, to question other persons (if given permission by the Sub-Committee) and address the Sub-Committee.
9. The Sub-Committee may exclude disruptive persons in certain circumstances.
10. The Sub-Committee may adjourn the hearing in certain circumstances.
11. The Sub-Committee will ask the parties to withdraw so that it can consider its determination. In considering its determination, the Sub Committee may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.
12. The Sub-Committee will make its determination at the end of the meeting and this will be confirmed in writing.

Failure of Parties to Attend a Hearing

13. If a party has informed the Council that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
14. Where a party has not so indicated fails to attend or be represented at a hearing the Sub-Committee may:
 - a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - b) hold the hearing in the party's absence.
15. Where the hearing is held in the absence of a party, the authority shall consider at the hearing of the application, representation or notice made by that party.
16. Where a hearing is adjourned to a specified date the Council will notify the parties of the date, time and place to which the hearing has been adjourned.

April 2023



Statutory Licensing Sub-Committee

10 May 2023

Title: Determination of a Grant Application for a Premises Licence, The Funky Monkey, 51 Main Street, Crosshills, BD20 8TT (“the Premises”)

Report of the Corporate Director of Environment – Karl Battersby

1.0 Purpose of Report

1.1 On 15 March 2023 the Licensing Authority received an application for the grant of a Premises Licence. During the statutory 28 day notice period two representations were received – one of which has been dispensed with, leaving one representation. The Licensing Authority is now under a duty to determine the application for the grant of a Premises Licence application under Section 18 (3) (a) of the Licensing Act 2003 (“the Act”).

Recommendation:

The Sub-Committee is requested to consider the Premises Licence application in respect of the premises with a view to promoting the licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm.

In determining this application, the Sub-Committee must have regard to the representation and take such steps as it considers appropriate for the promotion of the licensing objectives.

The steps are:

- a. to grant the licence 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;
- b. to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c. to reject the application.

In making its decision, the Sub-Committee must act with a view to promoting the licensing objectives. The Sub-Committee must also have regard to its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

2.0 Background

2.1 The applicant is a Limited Company, WadProp Ltd which proposes to carry out licensable activities as applied for in the application (**Appendix A**) at the Premises. The plan to the application showing the proposed licensable area can be seen at **Appendix B**. Site photographs of the Premise and location can be seen at **Appendix C**.

2.2 The Sub-Committee acknowledges that Licensing and Planning form two distinctive legislative regimes, and the applicant must comply with both. Any premises is liable to enforcement action under both licensing and planning legislation. Under the planning process, Environmental Health was a consultee on the planning application, and they secured 'relevant conditions' as part of the planning process. This is beneficial for members to be aware of (**Appendix D**). Any decision taken by members should be made based on the specific merits of the application, taking account of the licensing objectives and the objection (representations) lodged; and not be based on how other businesses operate or whether or not there is a commercial need for such a premise in the vicinity.

3. Consultation

3.1 The application has been served on all of the Responsible Authorities. These are;

- North Yorkshire Police
- North Yorkshire Fire & Rescue
- Public Health
- Environmental Health Services
- Environmental Health Safety at Work
- Planning Department
- North Yorkshire Council Children & Young Persons
- Licensing Authority
- Trading Standards.

3.2 Formal responses were received from North Yorkshire Police, Environmental Health and Planning.

3.3 The application was advertised in the form of a Public Notice in the Craven Herald dated 23 March 2023, and by way of the required statutory blue notice at the property. Additionally, the application was published on the council's website.

3.4 North Yorkshire Police corresponded directly with the applicant, and it was confirmed that the operating schedule would be amended to include additional conditions around the Prevention of Crime and Disorder, **Appendix E**.

3.5 Environmental Health commented on the application to bring attention to the comments they had made during the planning application process, and that conditions required under that regime should be sufficient to control any concerns that could arise from the use of the premise (**Appendix F**).

3.6 During the public consultation two public objections were received. One objection was subsequently withdrawn following discussions with the applicant. As a result, this is not included for consideration.

The remaining objection can be found at **Appendix G**. Licensing officers have provided further correspondence to the objector (**Appendix H**).

4.0 Summary of key points

The applicant has applied for the following:

Licensable activities:

Sale of Alcohol (On & Off)

Monday to Saturday 12:00 – 23:00
Sunday 12:00 – 20:30

Hours open to the Public

Monday to Saturday 12:00 – 23:30
Sunday 12:00-21:00

The additional half hour the premise is open to the public is to allow a drinking up time from the last sale of alcohol as recommended within the Council's policy.

The Committee will note the application has not specified a Designated Premises Supervisor (DPS). If a licence were to be granted, no sale of alcohol could take place until a DPS is nominated and the details of the proposed DPS served on the Licensing Authority and North Yorkshire Police.

4.1 Details of the proposed Operating Schedule are as follows:

4.2 To promote the licensing objectives, the applicant has proposed steps detailed on page 16 of the application form, attached at **Appendix A**. Any condition embedded on a licence must be measurable, achievable and enforceable. Breach of a licence condition can lead to an unlimited fine, six months imprisonment or both in respect of each offence. A draft version of how the proposed conditions would be worded, including those agreed with North Yorkshire Police, can be found at **Appendix I**. These do not include the mandatory conditions to which all licences must adhere.

4.3 A plan of the building is included at **Appendix B**. This shows the licensable area of the premises, outlined in red. This shows where the licensable activity would be permitted to take place. Any alcohol taken outside of this area would be considered an 'OFF' sale.

5.0 Promotion of the Licensing Objectives

5.1 Section 4 of 'the Act' places a duty on the Licensing Authority to carry out its function under 'the Act' with a view to promoting the Licensing objectives.

5.2 These four objectives (set out at 1.1) are the only matters that can be taken into account in determining an application, with equal weight given to each objective. Conditions can be attached to licenses in order to achieve these licensing objectives.

6.0 Policy Implications

6.1 Policy considerations and S182 Guidance

6.2 Craven's statement of licensing policy (2022 – 2027) remains in place by operation of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008. The following sections of that Policy are relevant in considering the licensing objectives in relation to this application.

- Part 4, Page 12 – Anti social behaviour
- Part 4, Page 17 – Children
- Part 7, Page 25 – Licensing hours
- Part 6, Page 23 & 38 – Operating Schedule
- Part 11, Page 28 – Conditions

6.3 The following sections of the Guidance issued under section 182 of the Act issued by the Secretary of State for Culture, Media and Sport (December 2022) is relevant in considering the licensing objectives in relation to this application:

- Part 2, Page 11 - Public safety
- Part 2, Page 13 – Prevention of Public Nuisance
- Part 2, Page 14 – Protection of children from harm

6.0 Legal Implications

6.1 As a relevant representation has been received, the Sub-Committee must hold a hearing to consider the representation and, having regard to the representation, determine the Premises Licence application.

6.2 The Sub-Committee must have regard to the promotion of the four licensing objectives, namely, the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm in exercising its functions under the Act.

6.3 The Sub-Committee must also have regard to the statutory guidance under Section 182 of the Act and the Council's own Statement of Licensing Policy in exercising its functions under the Act.

7.0 Right of Appeal

7.1 Schedule 5 of the Act gives a right of appeal to the applicant and to any person who has made a relevant representation.

7.2 Any appeal must be made to the Magistrates Courts and must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

8.0 Conclusion

8.1 The Sub-Committee is asked to determine the application to Grant a Premises Licence.

8.2 The Sub-Committee has the options as set out in the Recommendations above.

Report Author – Tim Chadwick, Licensing Manager, Skipton Office
Presenter of Report – Tim Chadwick

Background Documents:

Craven District Council Statement of Licensing Policy 22nd February 2022 [Statement of alcohol and entertainment licensing policy | North Yorkshire Council](#)
Section 182 Guidance December 2022 - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

Appendices:

Appendix A – Premises Licence Application – Page 11
Appendix B – Plan of licensable area – Page 37
Appendix C – Site photos – Page 39
Appendix D – Planning determination – Page 43
Appendix E – North Yorkshire Police consultation response – Page 47
Appendix F - Environmental Health response – Page 49
Appendix G – Objection received – Page 51
Appendix H – Objector correspondence – Page 53
Appendix I – Premises Licence proposed conditions – Page 57

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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 WadProp Limited

(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			
The Funky Monkey 51 Main Street Cross Hills Keighley North Yorkshire			
Post town	Cross Hills	Postcode	BD20 8TT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£3,200

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **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 <input type="checkbox"/>	
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 9-digit '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			I am 18 years old or over:		Please tick yes <input type="checkbox"/>
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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 WadProp Limited
Address 62-66 Deansgate, Manchester, M3 2EN
Registered number (where applicable) 12685988
Description of applicant (for example partnership, company, unincorporated association etc) The Applicant is a Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	4	04
2	0	23

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)

It is intended that the premises will be a microbar serving a range of alcoholic and non-alcoholic drinks to a local customer base. The emphasis will be on quality ales from local breweries and there will also be a limited food offering (e.g. grazing platters).

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

N/A

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				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon	.....	.....				
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)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur								
Fri						<u>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</u> (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			
Thur			<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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors				
				Outdoors				
Both								
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon	.....						
Tue	.....						
Wed					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur	.....						
Fri					<u>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</u> (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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (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	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance 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 performance of dance (please read guidance note 5)		
Thur					
Fri			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 (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					

1

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	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
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	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00 -----	23:00 -----			
Tue	12:00 -----	23:00 -----			
Wed	12:00 -----	23:00 -----			
Thur	12:00 -----	23:00 -----			
Fri	12:00 -----	23:00 -----			
Sat	12:00 -----	23:00 -----			
Sun	12:00 -----	20:30 -----			
			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 To Be Confirmed	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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)

Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every twelve months and all training will be documented and made available to an authorised officer upon request.

The premises will be an active member of any local "pub watch" or equivalent scheme where such a scheme is in existence.

b) The prevention of crime and disorder

A CCTV system shall be installed at the premises and will meet the following criteria:

- The system will display on any recording the time and date of said recording;
- The system will be recording whenever the premises is open to the public;
- Any recordings will be retained for a minimum of 30 days after they are made and will be produced to an authorised officer upon request, so long as said request is in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation;
- As a minimum, the CCTV will capture a "head and shoulders" image of any person who enters the premises through a public entrance.

Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.

A competent person trained in the use of and operation of the CCTV will be in attendance at the premise at all times that licensable activities are taking place. Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.

An incident register of any occurrences or ejections from the premises will be maintained at the premises and details of any public order offences will be recorded. Said register will be made available upon request to an authorised officer.

Prior to any occasion on which licensable activities are to be carried on at the premises, a risk assessment will be carried out to determine whether door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment.

The premises will have a written zero tolerance drugs policy which is enforced at all times.

c) Public safety

Any sales of alcohol knowingly made for consumption off the premises will be made in a sealed container. This condition will not apply to any external area under the control of and operated by the Premises Licence Holder.

d) The prevention of public nuisance

The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter.

The premises will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and quietly.

Notices will be placed in a prominent position at public exits requesting that customers leave the premises and the area quietly.

e) The protection of children from harm

There shall be no persons under the age of 16 permitted on the premises after 21:00.

A "Challenge 25" Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:

- A Passport;
- A UK Photocard Driving Licence;
- Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
- Any other form of identification agreed with a representative of the Police Licensing Unit.

All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at least once every twelve months. Said training will be documented and will be made available to an authorised officer upon request.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [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	<i>Harrison Drury & Co.</i>
Date	<i>15.3.2023</i>
Capacity	Solicitor & Authorised Agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Malcolm F Ireland Partner, Head of Leisure & Licensing Harrison Drury & Co Solicitors 21 Church Street Clitheroe Lancashire			
Post town	Clitheroe	Postcode	BB7 2DF
Telephone number (if any)	(01200) 422 264		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Malcolm.Ireland@harrison-drury.com			

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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.

- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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 held by an individual or an individual in a 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 premises 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 an entitlement 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 listed below (which do not need to be certified), or 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).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, 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 9-digit 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 (provided within this application), 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 checked online. 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 copy documents as set out above.

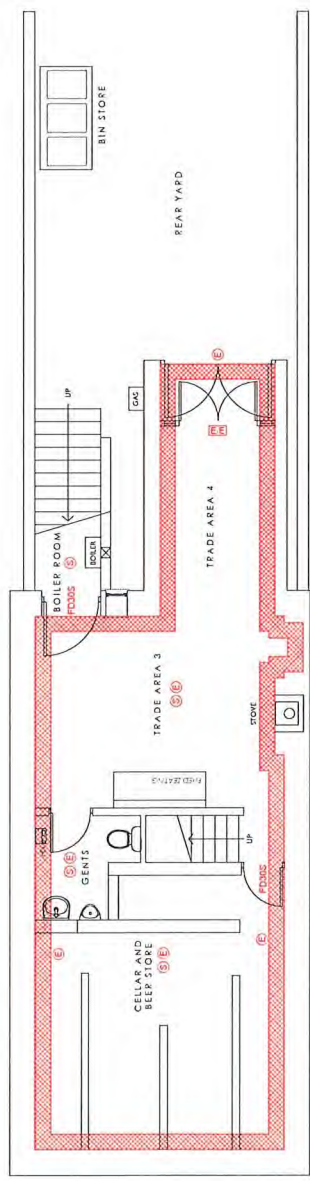
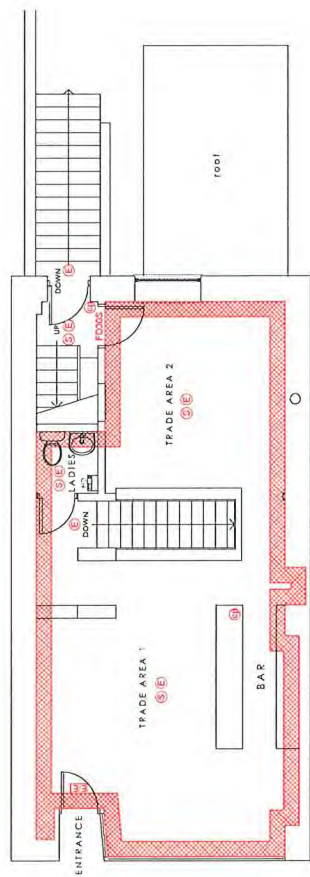
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All site dimensions shall be verified by contractors on site prior to work commencing.
 Only work to written dimensions.
 The drawing is the property of RMA UK Ltd and copyright is reserved by them. The drawing is not to be copied or disclosed by or to any unauthorised persons without the written consent of RMA UK Ltd.
 Note:

KEY

- (C) DENOTES CALL POINT
 - (EE) DENOTES SELF-CONTAINED EMERGENCY EXIT SINGING
 - (E) DENOTES SELF-CONTAINED EMERGENCY LIGHTING
 - (S) DENOTES SMOKE DETECTOR
 - (H) DENOTES HEAT DETECTOR
 - FD005 DENOTES 30 MIN FIRE RESISTANT FIRE DOOR & SMOKE SEALS
 - FD005 DENOTES 60 MIN FIRE RESISTANT FIRE DOOR & SMOKE SEALS
 - [Hatched Box] DENOTES LICENCE AREA
- ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY & DOES NOT FORM PART OF THE LICENSE

Scale: Units in metres



Appendix B

LICENSING Licence No: 1205 Licence Type: LIC 01 Licence Date:		Licence Holder: "PUNKY MONKEY" 52 MAIN STREET CROSS HILLS REGHNEY BD23 8TT	Licence No: 1150 Licence Type: LIC 01 Licence Date:	Licence Holder: "RMA" The Station, Sturton Road, York, YO1 1RN, Tel: 01904 381876
Licence No: 1150 Licence Type: LIC 01 Licence Date:	Licence Holder: "RMA" The Station, Sturton Road, York, YO1 1RN, Tel: 01904 381876	Licence No: 1150 Licence Type: LIC 01 Licence Date:	Licence Holder: "RMA" The Station, Sturton Road, York, YO1 1RN, Tel: 01904 381876	Licence No: 1150 Licence Type: LIC 01 Licence Date:

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Site Area

The committee should note, the plans [Appendix B] of the premise have been submitted but the interior work is still to be completed. The internal photos are not fully reflective of how the premise would look should a licence be granted and should be view alongside the proposed plans. Basement level not included in the photos

External:



Premise from the front

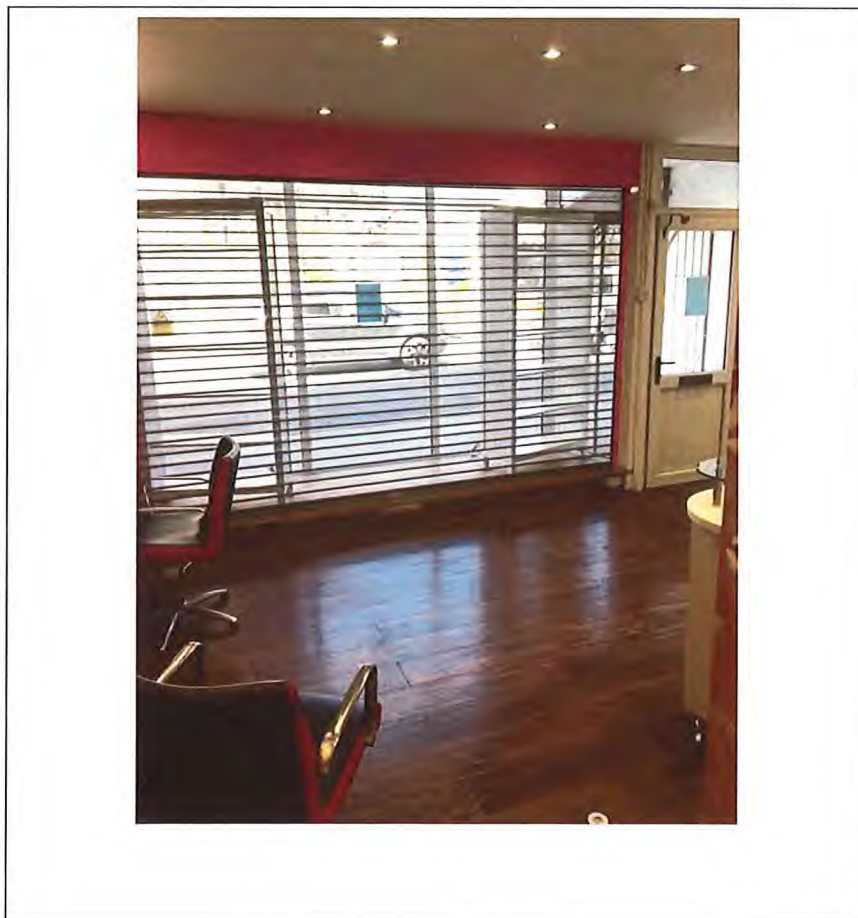




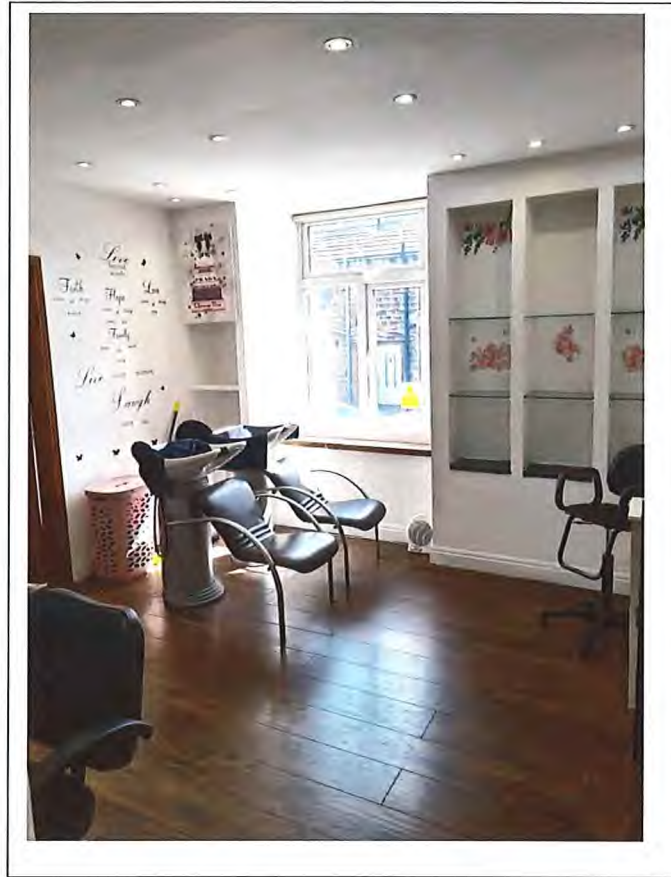
Rear External

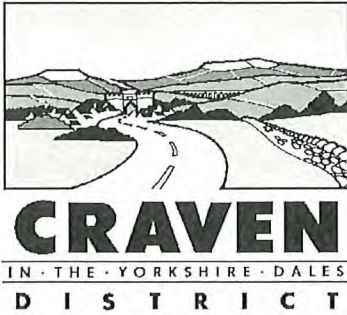


Internal area (awaiting renovations)



Rear Room





Development Management
Craven District Council
1 Belle Vue Square
Broughton Road
SKIPTON
North Yorkshire
BD23 1FJ

(Main Switchboard) Telephone: 01756 700600
Email: planning@cravencd.gov.uk

RMA Limited
The Stables
Stanney Brook Farm
Norley
CW8 2RX

PLANNING DECISION NOTICE

Town and Country Planning Act 1990

Application No:	2022/24314/FUL
Date Received:	12th October 2022
Applicant:	Wadprop Limited
Proposal:	Proposed change of use from hair salon to drinking establishment
Location:	51 Main Street, Cross Hills, Keighley, BD20 8TT
Decision/Date	23rd December 2022

The Craven District Council has considered this application under the Town and Country Planning Act 1990 (as amended) and **Grants Planning Permission** for the development described above.

This permission is granted subject to the following Condition(s) and Reason(s) which are laid out in the order by which they must be complied with:-

Time Limit for Commencement

1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

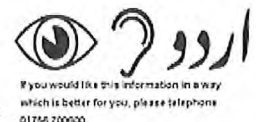
2 This permission relates to the following plans:

Drawing Number 1206_101 Existing Floor Plans received 12th August 2022
 Drawing Number 1206_201 Proposed Floor Plans received 12th August 2022
 Drawing Number 1206_OS Block Plan received 12th August 2022
 Drawing Number 1206_OS Location Plan received 12th August 2022
 Noise Impact Assessment received 12th October 2022.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan and the National Planning Policy Framework.



Paul Shevlin, Chief Executive
Calls may be recorded for training and monitoring purposes
For general enquiries telephone 01756 700600
www.cravencd.gov.uk



Ongoing Conditions

- 3 No deliveries shall be received or dispatched from the premise outside the hours of 08:00 - 19:00 nor at any time on Sundays or Public Holidays.

Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise and to accord with Policy ENV3 of the Local Plan and guidance contained within the National Planning Policy Framework.

- 4 The use hereby permitted shall only operate between the following hours:

Monday to Saturdays 12.00 noon to 23.30
Sundays and Bank Holidays 12.00 noon until 21.00.

The premises shall be closed to customers outside of these hours.

Reason: To limit the potential for noise generation and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with Policy ENV3 of the Craven Local Plan and paragraph 180 of the National Planning Policy Framework.

- 5 No part of the external areas surrounding the building shall be used for purposes associated with the hereby approved use at any time.

Reason To satisfactorily protect the residential amenities of nearby occupiers in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 6 Notwithstanding the hereby approved development:

- The recommendations detailed in NOVA Acoustics Ltd report Ref 8368JW in relation to the noise breakout mitigations and acoustic insulation should be implemented and fully maintained as such.
- A noise limiting device must be installed, used and maintained as necessary to ensure any amplified music is restricted to a maximum of 80dB in line with NOVA Acoustics' recommendation.
- All mechanical plant must not exceed the cumulative 40dB during daytime or night time respectively.

Reason To satisfactorily protect the residential amenities of adjoining and nearby occupiers in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

Standard Note(s) to Applicant:

1. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
2. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact Craven District Council Development Management for clarification prior to the commencement of any works.
4. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a fee. A fee of £34 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car

parking, etc., and £116 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at www.cravendc.gov.uk/planning. We have 8 weeks in which to make our decision, after this date, you can appeal to the Secretary of State. You should note that if you have had no response within 12 weeks, then the fee has to be refunded.

5. Please be advised you may now be required to apply for Street Naming and Numbering for any development without an official address. You may find out more information and apply online at www.cravendc.gov.uk/snn or contacting the addressing team addresses@cravendc.gov.uk

- 6 Adherence to approved plans/conditions

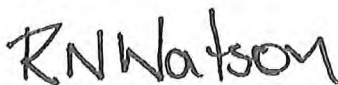
Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

- 7 Hours of Construction

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

- 8 Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Neville Watson
Planning Manager
(Development Management)

GENERAL DEVELOPMENT PROCEDURE ORDER 2015
TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice or within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000
Email: enquiries@planning-inspectorate.gsi.gov.uk
Website: www.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

From: Furlong, David <David.Furlong@northyorkshire.police.uk>
Sent: 29 March 2023 13:40
To: Licensing (CRA)
Cc: Malcolm Ireland
Subject:FW: premises licence application - Funkey Monkey - Cross Hills Ref Harrison
Drury:MA:WADP0001.0001

Dear Craven licensing team,
Please see the agreed amendments to the premises licence conditions offered for Funkey Monkey, Cross Hills.

Mr Ireland, this email is for your information only.

If you need to discuss the amendments please don't hesitate to give me a call.

Kind regards,

Dave Furlong PC 1720
North Yorkshire Police
Licensing Unit
Tel 07741173797

From: Malcolm Ireland <malcolm.ireland@harrison-drury.com>
Sent: 29 March 2023 13:21
To: Furlong, David <David.Furlong@northyorkshire.police.uk>
Subject: RE: premises licence application - Funkey Monkey - Cross Hills Ref Harrison
Drury:MA:WADP0001.0001

Hi PC Furlong,

Many thanks for your e-mail.

I confirm that I have consulted with my client and that he is happy in principle with both of the proposed amendments.

In terms of mechanics, I think we are removing the following two conditions:

Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every twelve months and all training will be documented and made available to an authorised officer upon request.
There shall be no persons under the age of 16 permitted on the premises after 21:00.

I think we are then adding the following two conditions:

Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the conditions attached to the premises licence (operating schedule / annex 2) and trained in relation to the licensing objectives so as to reduce crime and disorder,

promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every twelve months and all training will be documented and made available to an authorised officer upon request.

There shall be no persons under the age of 18 permitted on the premises after 21:00.

Are you happy that addresses your concerns? If so, please confirm accordingly by response and cc in the Licensing Authority so that they are able to facilitate the agreed condition amendments.

Is that OK?

Kind regards,

Malcolm Ireland

Partner

01200 401 131

07436 219 979

www.harrison-drury.com

From: Graham Tarn
Sent: 04 April 2023 15:30
To: Licensing (CRA)
Cc: Sarah Bagley
Subject: RE: Application for Grant of New Premises Licence - Funky Monkey, 51 Main Street, Cross Hills, BD20 8TT

Dear Licensing,

Further to your consultation regarding the above premise licence application. Environmental protection had some concerns over potential noise issues from the proposal. Comments were made to the planning department (see below) and this resulted in conditions being placed on the planning permission granted. If the conditions are followed, I am confident that noise from the premises should not affect local residents.

Comments made to planning department:

'In relation to the application of the proposed change of use from a hair salon to a drinking establishment at 51 Main street, Crosshills, Keighley, the applicant has provided an environmental noise survey and noise impact assessment undertaken by NOVA Acoustics Ltd ref 8368JW to assess the potential increase in noise levels from the proposed development on the surrounding noise sensitive receptors. In respect of NOVA Acoustics Ltd report findings, I am satisfied that the recommendations detailed in the report to reduce noise breakout through the building's structure will be sufficient to ensure noise does not impact neighbouring residents. The anticipated suppression of noise escape will only be satisfied if the recommendations of the report are implemented. The measuring position used by NOVA Acoustics Ltd for obtaining ambient noise level was close to Holme Lane, this road is a busy thoroughfare with traffic waiting at the junction throughout the day. In my opinion this has resulted in an elevated ambient noise level in comparison with the location of the proposed establishment. Noise recordings taken by Environmental Health officers on Monday 5th December at 2000hrs resulted in ambient noise level of L90 45dB 1hour, compared to 51dB recorded by NOVA acoustics Ltd. Therefore, the cumulative plant rating noise limit level needs to be reduced to 40dB from the current 46dB recommended in the NOVA Acoustics Ltd report. The premises has residential properties directly above and adjoining, additionally there are residential properties on the street to the rear, there is also a residential area adjoining the proposed beer garden. Noise from raised voices is extremely difficult for a proprietor to control. A single raised voice is approximately 70dB, with up to 20 patrons in the beer garden this could equate to over 80dB, I therefore have concerns that the use of the beer garden would have a detrimental effect on the amenity of the area. The ambient noise level recorded by Craven District Council officers was 40dB, this would further increase the impact of noise caused by patrons using the beer garden. I have concerns that impact from noise generated from external plant and has not been fully assessed.

I therefore recommend the following conditions be placed before permission is granted.

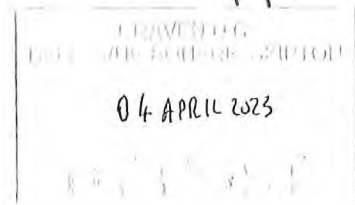
- 1.Noise breakout mitigation. Airborne noise breakout mitigation recommendations in the NOVA acoustic report should be carried out.
- 2.Plant. All mechanical plant must not exceed the cumulative 40dB during daytime or night time respectively.
- 3.Patrons should not have access to the outside area.

Reason: to safeguard neighbouring residents from potentially increasing noise levels from the proposed establishment.'

You may wish to consider similar conditions on the premise licence.

Regards

Graham Tarn



LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details

Name: D. SINGH

Address:

MAIN ST
CROSSHILLS

Postcode: BD20 8TT

Contact telephone number(s)

Daytime:

Mobile:

Email address:

Licence application about which you wish to make a representation

You do not need to answer all of the questions in this section, but please give as much information as you can

Application Number: WADPROP LTD

Licensee:

Name of Premises (if applicable): THE FUNKY MONKEY.

Premises Address (where the Licence will take effect):

51, MAIN ST
CROSSHILLS

Postcode: BD20 8TT

Reason/s for representation

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered.

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder

There is the clear issue of noise pollution. Many people with young families live in very close proximity to the location, also retirees and they will all suffer. No matter what precautions are put in place, after leaving next to a licensed premises, one's garden ends up with empty bottles, cigarette butts, empty crisp packets and people urinating against walls and gardens.

Public Safety

Due to the location, there is a post office, which is used by the local community, some who are vulnerable and have mental anxiety issues, having a licensed premises, with intoxicated individuals will cause them significant issues. Also the pavement is quite narrow, therefore people standing outside to smoke, again will cause issues, and may cause them to attempt to cross a busy road in haste.

The Prevention of Public Nuisance

A large number of vulnerable individuals visit the post office (2 doors away) on a daily basis (people with disabilities, pensioners, young children) and having significant individuals spilling into the street who are intoxicated will frighten them and ~~also~~ cause them to go elsewhere. Also the noise will also deter them from using the locality (local businesses)

The Protection of Children from Harm

A significant number of children visit the Post Office (2 doors away) and having inebriated individuals places their welfare at significant risk.

I, DALWAR SINGH....., hereby declare that all information I have submitted is true and correct.

Signed: A

Date: 3/4/23

Please send the completed form before the deadline to:

Craven District Council
Licensing
1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

Alternatively, the form may be emailed to: licensing@cravencdc.gov.uk

Council Offices
1 Belle Vue Square
Broughton Road
SKIPTON
North Yorkshire
BD23 1FJ



D Singh
Main Street
Cross Hills
Nr Keighley
BD20 8TT

Telephone: 01756 706251
Email: licensing.cra@northyorks.gov.uk

Please address correspondence on this matter to:
Tim Chadwick – Licensing Manager

4 April 2023

Dear Mr Singh

RECEIPT OF YOUR REPRESENTATION

We are in receipt of your objection for the application to grant a premise licence for The Funky Monkey, 51 Main Street, Cross Hills, BD20 8TT.

The application has been made for the Grant of Premises Licence for the Retail Sale of Alcohol for consumption both on and off premises Monday to Saturday 12:00 to 23:00 and Sunday 12:00 to 20.30. The opening hours applied for match the opening times plus half an hour later to allow for 'drinking up' time.

What happens next

We must now put your objection to the applicant to see if they can address any of the concerns raised. The applicant can address concerns in a number of ways i.e. either by reassuring you, offering up additional conditions or modifying the proposed operating schedule. It is the role of Licensing Officers during the process to assist both parties in trying to find a resolution to the concerns raised.

For information, the applicant has offered up conditions to promote the licensing objectives (see attached) and these will be imposed on the premises licence, if issued. A breach of licence conditions can lead to an unlimited fine, six months imprisonment, or both in respect of each offence.

When Planning was applied for (by way of change of use), they also imposed certain conditions and the poignant points from that Planning Decision Notice (Ref: 2022/24314/FUL dated 12th October 2022) are also attached. Whilst Planning and Licensing are separate regimes so these points will not appear as conditions on the licence, the applicant is bound to comply with all statutory conditions (i.e. both Planning and Licensing).

If this doesn't satisfy your concerns and you can suggest any ways in which your concerns for the application can be reduced, we can put these to the applicant.

If you and the applicant can reach an agreement, then the application will be modified to match that agreement and the application can progress.

However if no agreement can be found and the objection is not withdrawn during the consultation period ending on **13th April 2023** then a hearing will be called and you will be invited to attend. This must be held **within 20 working days** of the close of the consultation and you will be invited to attend to address members of that sub-committee. In this case the application will be determined by Councillors and not officers. Councillors may only consider concerns that would undermine the licensing objectives that the licence holder has control over. I will send you separate correspondence regarding this by post.

Licensing Application

As part of this process the application has been served on the following statutory consultees.

- North Yorkshire Fire & Rescue
- North Yorkshire Police
- Environmental Health including Health & Safety
- Planning Authority*
- Local Children and Young person services
- Trading Standards
- Public Health

*It is important to note that licensing and planning are separate systems of regulatory control. Licensing committees are not bound by decisions made by the planning committee and vice versa.

No objection has been received by any responsible authority. North Yorkshire Police have agreed additional conditions with the applicant (incorporated in the attached) and we understand Environmental Health will comment that they have no concerns with the application due to the conditions imposed under the Planning regime.

During the consultation period if no objection is made or if all objections are resolved the Licensing Authority must grant the application. Should an objection remain unresolved following the close of the consultation period (i.e. after 13th April in this case) then the matter must be referred to a Licensing Appeals Sub-committee for determination.

The licensing authority cannot take into account the need of the premise in the vicinity as this is a matter for planning and the 'market'.

When considering the application the Licensing Authority may only consider the application on if granting the application would undermine one or more of the 4 Licensing Objectives

- Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Protection of Children from harm
- Public Safety

Matters raised

The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from a licensed premises and therefore beyond the direct control of the licence holder. Nonetheless it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy. If a licence is granted, anti-social behaviour away from the premise must be reported to the police. It is expected that licence holders in any event will work to assist in reducing nuisance and anti-social behaviour that is a result of their premise.

Right to review

Under the Licensing Act 2003, any person or responsible authority may apply to the Council to have a premises licence under the Act reviewed, if it is believed that one or more of the licensing objectives is being undermined by the current use of that licence. Licence reviews are a powerful tool for dealing with potentially problematic licensed premises. The power is generally to be used as a last resort, when other measures have failed to address concerns with the venue in question.

Additional useful information

Information on representations – please see enclosed.

The Government does issue national guidance on 'The Act', which you may find beneficial - Revised guidance issued under section 182 of Licensing Act 2003 found here:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003->

The legislation for the Licensing Act can be found here:
<https://www.legislation.gov.uk/ukpga/2003/17/contents>

The Council's Statement of Licensing Policy can be found here: [Statement of alcohol and entertainment licensing policy | North Yorkshire Council](#)

Finally

Should you require further clarification or advice around the points raised please don't hesitate to contact me either by email: licensing.cra@northyorks.gov.uk or via telephone 01756 706251 and I will be happy to help and advise further to assist you during this process.

We have tried contacting you by telephone today but were unable to get an answer. We are also unable to read your email address, hence why we have written to you.

Yours sincerely



Tim Chadwick
Licensing Manager
North Yorkshire Council (Skipton)

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Funky Monkey Premises Licence Application

Conditions as per the application – excluding mandatory licensing conditions

General

- 1) Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the conditions attached to the premises licence (operating schedule / annex 2) and trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every twelve months and all training will be documented and made available to an authorised officer upon request.
- 2) The premises will be an active member of any local "pub watch" or equivalent scheme where such a scheme is in existence.

The prevention of crime and disorder

- 3) A CCTV system shall be installed at the premises and will meet the following criteria:
 - o The system will display on any recording the time and date of said recording;
 - o The system will be recording whenever the premises is open to the public;
 - o Any recordings will be retained for a minimum of 30 days after they are made and will be produced to an authorised officer upon request, so long as said request is in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation;
 - o As a minimum, the CCTV will capture a "head and shoulders" image of any person who enters the premises through a public entrance.
- 4) Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.
- 5) A competent person trained in the use of and operation of the CCTV will be in attendance at the premise at all times that licensable activities are taking place. Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.
- 6) An incident register of any occurrences or ejections from the premises will be maintained at the premises and details of any public order offences will be recorded. Said register will be made available upon request to an authorised officer.
- 7) Prior to any occasion on which licensable activities are to be carried on at the premises, a risk assessment will be carried out to determine whether door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment.
- 8) The premises will have a written zero tolerance drugs policy which is enforced at all times.

Public safety

- 9) Any sales of alcohol knowingly made for consumption off the premises will be made in a sealed container. This condition will not apply to any external area under the control of and operated by the Premises Licence Holder.

The prevention of public nuisance

- 10) The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter
- 11) The licence holder will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and quietly
- 12) Notices will be placed in a prominent position at public exits requesting that customers leave the premise and the area quietly

The protection of children from harm

- 13) There shall be no persons under the age of 18 permitted on the premises after 21:00.
- 14) "Challenge 25" Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - A Passport;
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder; Any other form of identification agreed with a representative of the Police Licensing Unit.
- 15) All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at least once every twelve months. Said training will be documented and will be made available to an authorised officer upon request.