

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Thursday, 13th July, 2023 commencing at 10.00 am.

Councillors Tim Grogan, Andy Paraskos and Mike Schofield.

Officers present: Gareth Bentley, Rachel Braithwaite and Harriet Clarke.

Copies of all documents considered are in the Minute Book

27 Election of Chair

Resolved:-

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

(Councillor Tim Grogan in the Chair)

28 Apologies for Absence

There were no apologies for absence.

29 Disclosures of Interest

There were no declarations of interest.

30 Procedure for Licensing Hearings

The attached procedure was noted.

31 1858 Bar and Restaurant - Application for a New Premises Licence

The Sub-Committee considered the report of the Corporate Director of Environment which sought determination of an application for a new premises licence in respect of 1858 Bar and Restaurant, 42 High Street, Knaresborough, HG5 0EQ.

The Sub-Committee were advised that an additional letter of representation had been received in relation to the above application. All parties present were provided with a copy of the letter and the Chair confirmed that this evidence would be considered by the Panel in their deliberations.

The Food, Licensing and Occupational Safety Manager, Gareth Bentley, introduced the report which had been circulated to all parties. The Applicant had requested a licence for the retail sale of alcohol, late night refreshments and recorded music until 0000 hours and

live music until 2300 hours. A copy of the application was provided at Appendix 1.

Correspondence between the Applicant and North Yorkshire Police had resulted in the agreement of additional conditions in order to promote the licensing objectives which were attached at Appendix 4. Five representations had been received from other persons which were indicated at Appendices 5.1 – 5.5.

The options available to the panel were outlined at paragraph 13.0 of the report.

Submission by the Applicant

Kim Lancaster, the Applicant's representative, and business partner addressed the Sub-Committee and explained that there would be no public access to the rear of the premises, other than that permitted for deliveries which would take place during daily operational hours only. Ms Lancaster confirmed that contrary to previous plans, the outdoor area to the rear of the property would not be used for outdoor seating, and instead would accommodate an enclosed walk-in outdoor refrigerator. The Applicant's representative provided clarification on several matters including the screening of windows to the rear of the building to minimise light pollution and the positioning of CCTV and motion censored security lighting. It was clarified that the operating hours were proposed to ensure flexibility to extend opening hours on special occasions, and the premises would not necessarily stay open until 0000 hours each evening. The Applicant intended to create a fine dining family restaurant which would not become a vertical drinking establishment due to the size of the seating area. It was confirmed that the premises was formerly a NatWest bank, and the air conditioning units were brand new and would not be in operation 24 hours a day with a minimal noise impact. Ms Lancaster explained that occasional live music was proposed for events such as weddings and christenings rather than frequent loud live music late at night.

In addition to the above submission, the Applicant, Jaime Wilkinson, informed the Sub-Committee that filters had been installed in the extractor vents in the kitchen to diffuse any cooking smells and all bins would be concealed in a gated area to the rear of the property which would not be visible to the nearby residential properties.

The Sub-Committee were informed that the Applicant and his business partner had extensive experience of running licensed premises.

In response to questions from the Sub-Committee, it was confirmed that there was no provision of an outdoor smoking area proposed and no plans to display live sport within the premises. One member raised concerns that the rear courtyard area which had been confirmed would not accommodate outdoor seating, was still included in the plan of the premises as attached at Appendix 1 of the report. In response, the Panel were informed that a revised premises plan had been drawn which was circulated to the Sub-Committee. Concerns were also raised regarding light pollution from the motion censored security lighting.

In response to questions from other persons, the Applicant confirmed that both of the rear doors and the window space above would be frosted to reduce light pollution and it was clarified that the rear fire exit sign would not be visible from outside the premises. It was reiterated that there was no public access to the rear of the property and plans for a staff room would ensure that staff would not congregate outside. Concerns were raised in relation to noise emanating from extraction fans within the kitchen area, to which it was confirmed that all appliances were electric and that noise levels would be minimal due to the thickness of the walls. It was noted that construction work on the premises was coming

to an end and once finished, there would be no parking outside the premises other than that within the designated parking bays.

Submission by the Other Persons

Toby Woodhall addressed the Sub-Committee and explained that he, alongside other nearby residents had lived through 12 months of construction works relating to the proposed premises licence. He raised concerns surrounding additional anti-social behaviour connected to the derelict premises, including graffiti and a recent glass bottling incident. Mr Woodall highlighted several issues concerning blocked access to residential properties in the area during the construction period, noise pollution, the operational hours, light pollution, and the location of deliveries to the premises. It was clarified that the representations from other persons were based on the premises plan appended to the report at Appendix 1, rather than the most recent plan. Mr Woodhall brought the Sub-Committee's attention to the walk-in refrigerator at the rear of the property which he described as an eyesore that required additional landscaping.

Jack Hall raised concerns that the proposed operational hours did not reflect the business model of a fine dining family restaurant. He commented that if the hours as applied for were granted, this might set a precedent for a future premises owner to create a late-night premises. Mr Hall referenced concerns relating to the licensing objectives, namely the prevention of children from harm and public safety.

Pam Guanaria informed the Sub-Committee that she had similar concerns regarding the late-night opening hours and commented that anti-social behaviour was more likely to increase the longer the premises was open for.

Peter Guanaria thanked the Applicant for alleviating some of his concerns but highlighted that his remaining issues related to the proposed opening hours.

Karen Hollingworth raised concerns that local residents had not been made aware of the revised premises plan until now, to which the Sub-Committee clarified was a planning, rather than licensing matter. Ms Hollingworth also queried whether the proposed screening measures would impede access to the residential properties.

Each party was permitted to sum up after which point the meeting was adjourned to allow Members to deliberate the application.

Resolved-

The Sub-Committee resolved to grant the licence application in full subject to:

The conditions consistent with the operating schedule as follows:

The conditions agreed with North Yorkshire Police.

Mandatory Licensing conditions as required by the Licensing Act 2003.

Additional licensing conditions as considered necessary for the promotion of the licensing objectives public nuisance as follows:

- All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access

and egress of persons.

- The area to the rear of the premises shall not be used by customers to premises at any time.
- Customers shall not enter or leave the premises from / by the rear door to the premises, except in the event of an emergency.
- No external speakers are to be sited or used outside of the premises.

The meeting concluded at 11.45 am