

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Tuesday, 15th August, 2023 commencing at 10.00 am.

Councillor Tim Grogan in the Chair. plus Councillors Kevin Foster and Malcolm Taylor..

Officers present: Laura Venn, Legal Manager (Deputy Monitoring Officer); Tim Chadwick, Licensing Manager; Emma Hayton, Assistant Licensing Officer; Graham Tarn, Environmental Protection Officer; Sarah Bagley, Trainee Environmental Health Officer; David Smith, Democratic Services and Scrutiny Officer; Alice Fox, Democratic Services and Scrutiny Manager.

Other Attendees: Stephen Davy, the Applicant and Objector 1.

Copies of all documents considered are in the Minute Book

37 Election of Chair

Councillor Grogan was elected Chair of the Sub-Committee.

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

38 Apologies for Absence

There were no apologies for absence.

39 Disclosures of Interest

There were no declarations of interest.

40 Procedure for Licensing Hearings

The Procedure for Licensing Hearings was noted.

41 Determination of a Variation Application to existing Premises Licence PL0857 which relates to The Hop & Vine, 111 Keighley Road, Cowling, BD22 0BE

The Corporate Director – Environment submitted a report seeking consideration of an application to vary a premises licence in respect of Hop & Vine, 111 Keighley Road, Cowling. The application sought to authorise the sale of alcohol (for consumption on the premises) from 12noon until 22:45 Monday to Saturday. This is an increase from the current licence which permits on sales of alcohol from 12noon to 21:00 Monday to Saturday.

The Licensing Manager introduced the report, outlining the Licensing Objectives, Council Policy, statutory guidance and highlighting the options available to Members. It was reported that two objections had been received by members of the public – only one objector was present for the meeting.

Members clarified the following with the Licensing Manager, Assistant Licensing Officer, Environmental Protection Officer and Trainee Environmental Protection Officer:

- That within the three years and four months that the premise has been open, there have been a handful of complaints. Most of these referred to the use of the rear yard, which is no longer used.
- That the designated premises supervisor is Mr Trevor Jackson.
- That planning enforcement had raised some concerns but that these were withdrawn, as seen on page 49 of the papers.
- That no statutory noise nuisance had been identified through the appropriate testing. There is an ongoing investigation regarding the level of noise coming through the wall. The Sub-Committee noted that the Environmental Health Service had proposed an additional condition in respect of noise in order to promote the licensing objectives.

The Applicant informed Members that the rear yard is no longer used by customers, unless they have accessibility problems and cannot exit through the main entrance. Mr Davy highlighted the financial impact of not using the rear yard, and explained to Members that the premise has struggled since the local pub had closed. It was suggested that this variation would help the premise financially and provide a service for the community.

The following points were raised through the discussion:

- That the DPS, Mr Jackson, has managed a premise in the past, but Mr Davy has not.
- That no complaints have been received by the premise, only by the local authority.
- That there is no reason for consistent loud noise to be coming from the premise.
- That, if the variation is granted, there are no additional plans to start opening on Monday and Tuesday.
- That 26 days of Temporary Event Notices have been granted to the premise this year and these have allowed the premise to stay open later. There was no evidence that complaints increased during these periods.

The Objector present reported that there had been noise after the premise's licenced hours, the drinking of alcohol on the pavement which has blocked the highway, customers urinating behind the premise and customers of the premise drink driving. Other anti-social behaviour was also reported. They informed Members that a number of residents nearby had raised concerns, but were worried to put in a formal objection. The Objector informed the panel that Mr Davy had not been neighbourly and had not attempted to work with nearby residents. The videos at appendices K, L, M and O were shown to the panel and both parties had the opportunity to make comments.

Members went into private session at 10:56 to review the information before them.

All parties were invited back at 11:30 where a verbal decision was given. A written decision would be provided within 5 working days.

RESOLVED –

That the application for the variation of the premises licence be granted subject to all relevant mandatory, and the following, conditions which the Panel believe to be appropriate in the interest of promoting the Licensing Objectives:

- 1) At any time when licensable activities are being carried out all doors and windows to remain closed except for access and egress.

- 2) Prohibition of licensable activities in the rear yard of the premises.
- 3) The rear access to the premises to only be used by members of the public with additional accessibility needs or in the event of an emergency.
- 4) All alcohol sales for consumption off the premises shall be in a sealed container.
- 5) Prohibition of children under the age of 16 years old within the licensed premises after 21:00.

The meeting concluded at 11.35 am.