



Agenda

Notice of a public meeting of Statutory Licensing Sub-Committee

To: Councillors Kevin Foster, Tim Grogan and Kirsty Poskitt.

Date: Tuesday, 27th February, 2024

Time: 10.30 am

Venue: Skipton Council Office

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Business

- 1. Election of Chair**
To select a Member to act as Chair of the meeting.
- 2. Apologies for Absence**
- 3. Disclosures 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)**
To confirm the procedure to be followed at the meeting.
- 5. Application for the Grant of a Premise Licence - Sfizio** **(Pages 5 - 46)**
To consider a report of the Corporate Director – Environment.

Agenda Contact Officer:

David Smith, Democratic Services Officer

Tel: 07542 029870

Email: david.smith1@northyorks.gov.uk

Monday, 19 February 2024

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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 Chair 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 Chair 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 Chair 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

North Yorkshire Council

Statutory Licensing Sub-Committee

27 February 2024

Application for the Grant of a Premise Licence, Sfizio, 17 Newmarket Street, Skipton BD23 2HX

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination by the Statutory Licensing, Sub-Committee of an application for the grant of a Premise Licence (Licensing Act 2003 'the Act')

2.0 SUMMARY

- 2.1 An application for the grant of a premise licence has been made by Jane Abruzzese and Catherine Boland for a premise to be known as Sfizio. The premise is located at 17 Newmarket Street, Skipton BD23 2HX. The Application and plans are attached at **Appendix A**.
- 2.2 A consultation of the application took place between 18 January–14 February 2024.
- 2.3 The application has been served on the responsible authorities.
- North Yorkshire Police
 - North Yorkshire Fire and Rescue Authority
 - North Yorkshire Council Environmental Health
 - North Yorkshire Council Environmental Health Safety at Work
 - North Yorkshire Council Planning
 - North Yorkshire Council Children and Young Persons
 - North Yorkshire Council Trading Standards
 - Public Health
 - Home Office Immigration
- 2.4 The applicants have complied with Regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 by displaying a blue notice for 28 consecutive days at the premise and advertised in a local news circular.
- 2.5 The application is for the following licensable activities.

Retail sale of alcohol (ON/OFF)

Monday to Sunday – 0900–2100hrs

Seasonal variation: 0900-2200hrs May, June, July and August

Christmas Eve, New Year's Eve and English bank holidays (Saturdays and Sundays only)
0900-2200hrs

Hours open to the public

Monday to Sunday – 0900–2130hrs

Seasonal variation: 0900–2230hrs May, June, July and August

Christmas Eve, New Year's Eve and English bank holidays (Saturdays and Sundays only)
0900-2230hrs

3.0 Promotion of Licensing Objectives

3.1 Section 4 of 'the Act' places a duty on the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

4.0 Representations

4.1 North Yorkshire Council Environmental Health made comments regarding the application which resulted in agreements with the applicants to impose 6 conditions should the licence be granted, further information on this is contained at 4.4 of the report.

4.2 There has been two objections from other persons which are attached at **Appendix B - C**. Members should note that some of the grounds for the representations may not directly relate to the licensing objectives, but the full representations have been included in the interests of openness and transparency.

4.3 As part of the application, **Appendix A**, the applicants at section M have offered up conditions to promote the Licensing Objectives. These conditions along with those agreed with Environmental Health would become enforceable conditions. Breach of a licence condition can lead to an unlimited fine, six months imprisonment or both for each breach.

4.4 A draft version of how the proposed conditions would be worded if the licence was granted including those agreed with Environmental Health can be seen at **Appendix D**. These do not include the mandatory conditions to which all licences must adhere to.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All of the Sub-Committee's options are outlined under the "Recommendations" at 12.0 of the report. No alternative options are available.

6.0 FINANCIAL IMPLICATIONS

6.1 The costs involved in administering the Licensing Act 2003 are set in statutory legislation.

6.2 The applicant or interested parties has a right of appeal to the Magistrates' court against any decision made.

7.0 LEGAL IMPLICATIONS

7.1 As a relevant representation has been received, the Sub-Committee must hold a hearing to consider the representations and, having regard to the representation, determine the premise licence application.

7.2 The Sub-Committee must have regard to the promotion of the four licensing objectives in exercising its functions under the Licensing Act 2003.

7.3 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 exercising its functions under the Act.

7.4 The applicants or interested parties have a right of appeal to the Magistrates' Court against any decision made within 21 days of receiving notification of the decision.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 No Climate change implications have been identified.

9.0 POLICY IMPLICATIONS

9.1 Craven District Council 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.

- Anti-social behaviour – Part 4; Page 11
- Licensing hours – Part 4, Page 11
- Nuisance and Environment - Part 4, Page 12
- Conditions Part – 11, Page 28
- Operating Schedule – Part 6, Page 23 & 38

9.2 The following sections of the Guidance issued under section 182 of the Licensing Act 2003 issued by The Secretary of State for Culture, Media and Sport are relevant in considering the licensing objectives in relation to this application:

- Licence conditions – 1.16 page 8
- Crime and disorder – 2.1 page 10
- Public safety - 2.8 page 11
- Public nuisance - 2.21 page 14
- Protection of children from harm - 2.22 page 15
- Plans - 8.34 page 64
- Beer gardens or other outdoor spaces – 8.35 page 64
- Planning – section 8.97, 9.41 page 74 and 85

10.0 EQUALITIES IMPLICATIONS

10.1 No equalities implications have been identified for this matter.

11.0 REASONS FOR RECOMMENDATIONS

11.1 In accordance with section 18 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the application and any relevant representations.

11.2 The Sub-Committee must, having had regard to the application and any relevant representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

12.0 RECOMMENDATION(S)

To take any of the following steps as the Sub-Committee considers appropriate for the promotion of the licensing objectives.

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

- i) Grant the Licence as applied for with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any conditions which must under section 19,20 or 21 (mandatory conditions) be included in the licence.
- ii) To exclude from the scope of the licence any of the licensable activities the application relates
- iii) To refuse to specify a person in the licence as the premises supervisor
- iv) 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.

APPENDICES:

- Appendix A - Application
- Appendix B - Skipton Town Council Objection
- Appendix C - Providence Place Objection
- Appendix D - Draft version of conditions

BACKGROUND DOCUMENTS:

Craven District Council – Statement of Licensing Policy 2022-2027
Section 182 Guidance (Home Office), Licensing Act 2003

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton
16 February 2024

Report Author – Tim Chadwick – Area Manager
Presenter of Report – Tim Chadwick

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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 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 JANE LOUISE ABRUZZESE and CATHERINE BOLAND (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 AMITY PLACE, 17 NEWMARKET STREET	
Post town SKIPTON	Post code BD23 2HX

Telephone number of premises (if any)

Non domestic rateable value of premises £10500

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

ABRUZZESE JANE LOUISE

Please tick yes

Date of Birth I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev) _____

Surname

First names

BOLAND

CATHERINE

Please tick yes

Date of Birth

[Redacted]

I am 18 years old or over

Nationality

[Redacted]

Current postal address if different from premises address

[Redacted]

Post Town

[Redacted]

Postcode

[Redacted]

Daytime contact telephone number

[Redacted]

Email address (optional)

[Redacted]

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name

Address

Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note 1) Renovated Victorian shop with wide pavement to front and planted parking area to rear. Internal covers for up to 30, external for up to 20. Located off the main High Street and surrounded by salons, shops, bars, cafes. With parking areas and residential apartment block to rear. There are ingresses to the property from Newmarket Street and from Providence Place to the rear. The rear ingress will only be used as an exit in the case of fire. The property is primarily built of stone and is flanked on either side by retail properties, therefore when music is played it will be played at background level and only in the interior of the premises. There is a traditional hardwood sash window and door to the front of the property on which noise reduction notices can be posted. The proposed covered area to the rear yard will be enclosed and heavily planted to create a green space which will also help to suppress noise. The internal area of the property to be licensed is around 85 sq m with counter placed near the entrance allowing staff to view customers immediately upon entry and implement any necessary ID checks. Rubbish and bottle bins can be kept at the rear of the property where there is a parking area of around 4m x 6m fronting on to offices and residential therefore these bins will not be emptied between the hours of 22:00 and 07:00.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

- 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) performance 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)

Sale by retail 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing play (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)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					



C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			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. (please read guidance note 6)

D

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

G

Performance 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
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		
			Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Wed					
Thur			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. (please read guidance note 6)		
Fri					
Sat					
Sun					

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I

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed					
Thur			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. (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) TO BE EXTENDED TO 22:00 DURING THE MONTHS OF MAY, JUNE, JULY AND AUGUST		
Mon	09:00	21:00			
Tue	09:00	21:00	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) CHRISTMAS EVE, NEW YEARS EVE AND ENGLISH BANK HOLIDAYS (SATURDAYS AND SUNDAYS ONLY) UNTIL 23:00		
Wed	09:00	21:00			
Thur	09:00	21:00			
Fri	09:00	21:00			
Sat	09:00	21:00			
Sun	09:00	21:00			



State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name CATHERINE BOLAND

Address [REDACTED]

Postcode [REDACTED]

Personal licence number (if known) 0578

Issuing licensing authority (if known) CRAVEN DISTRICT COUNCIL

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	21:30	<p>OPENING UNTIL 22:30 DURING THE MONTHS OF MAY, JUNE, JULY AND AUGUST</p> <hr/> <p>Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)</p> <p>CHRISTMAS EVE, NEW YEARS EVE AND ENGLISH BANK HOLIDAY WEEKENDS (SATURDAYS AND SUNDAYS ONLY) UNTIL 00:00</p>
Tue	08:00	21:30	
Wed	08:00	21:30	
Thur	08:00	21:30	
Fri	08:00	21:30	
Sat	08:00	21:30	
Sun	08:00	21:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

Documented staff training will be given regarding staff obligations in relation to the business's permitted licensable activities, sale of alcohol, age verification policy, any conditions attached to the Premises Licence, what the Licensing Objectives are and the opening times of the venue. Such training will be documented and refreshed every 6 months, with records kept for a minimum of 1 year and available upon request by any Responsible Authority. New staff will receive this same training on induction before commencing work.

The premises will adopt the 'Challenge 25' initiative

The premises will operate primarily as a Bistro-with-Retail and, as such, the sale of alcohol will be ancillary to that of food. After pre-consultation with local Licensing Officer, PC Dave Furlong, and being informed that as such, this business model would be 'low risk', there will be no CCTV installed at the premises. This decision will be re-evaluated after 1 year of trading.

b) The prevention of crime and disorder

A Refusals Register will be kept in which refusals of alcohol sales to under-age or drunk persons will be documented. Also an Incident Report Register will be kept in which incidents of anti-social behaviour, ejections from the premises, crimes reported to the venue, or complaints about the venue relating to licensable activities, will be documented. All such records will be kept for a minimum of 1 year from date of last entry. The 'Ask for Angela' initiative will be employed on the premises by posting information about such in an appropriate and prominent position. Documented staff training on how to implement the 'Ask For Angela' initiative will be given on induction and refreshed at 6 monthly intervals.

c) Public safety

The Designated Premises Supervisor will undertake a documented Risk Assessment before the opening of this venue.

No open drinks vessels shall be taken out of the licensed premises on to the public pavement or highway.

The 'Designated Driver' initiative will be promoted on any advertising issued by the venue.

Staff will refuse to serve any patron appearing to be intoxicated and will instead offer free water, or a coffee or soft drink.

Smaller measures of alcohol will be offered on menus, as well as low- and no-alcohol alternatives. Any sales of alcohol for consumption off the premises will be sold in sealed vessels.

d) The prevention of public nuisance

Suitable and conspicuous notices will be displayed at the exit and in the external area of the premises requesting patrons to minimise noise when leaving and / or smoking.

Bins will be stored at the rear of the property and any rubbish or bottles will not be emptied in to them between the hours of 22:00 and 07:00

e) The protection of children from harm

The License holder will operate the 'Challenge 25' age verification policy displaying a notice of said intention near to the entrances of the premises. Only a current Passport, photo card Driving Licence, ID carrying the PASS logo will be accepted as verified ID.

Staff will refuse to serve any person suspected of trying to purchase alcohol by proxy for a minor.

Staff will alert the Police if they suspect harm may be done, or has been done, to a minor or vulnerable person while on the premises.

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 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 (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 PURUANT 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	<p>Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership</p> <ul style="list-style-type: none"> • 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, if appropriate (please see note 15).
Signature	
Date	15/12/2023
Capacity	PREMISES AND BUSINESS OWNER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	CATHERINE BOLAND	
Date	15/12/2023	



Capacity Premises and Business Owner	
--------------------------------------	--

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Jane Louise Abruzzese

[Redacted]

[Redacted]

[Redacted]

Telephone number (if any)

[Redacted]

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[Redacted]

Notes for Guidance

- 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.
- 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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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.

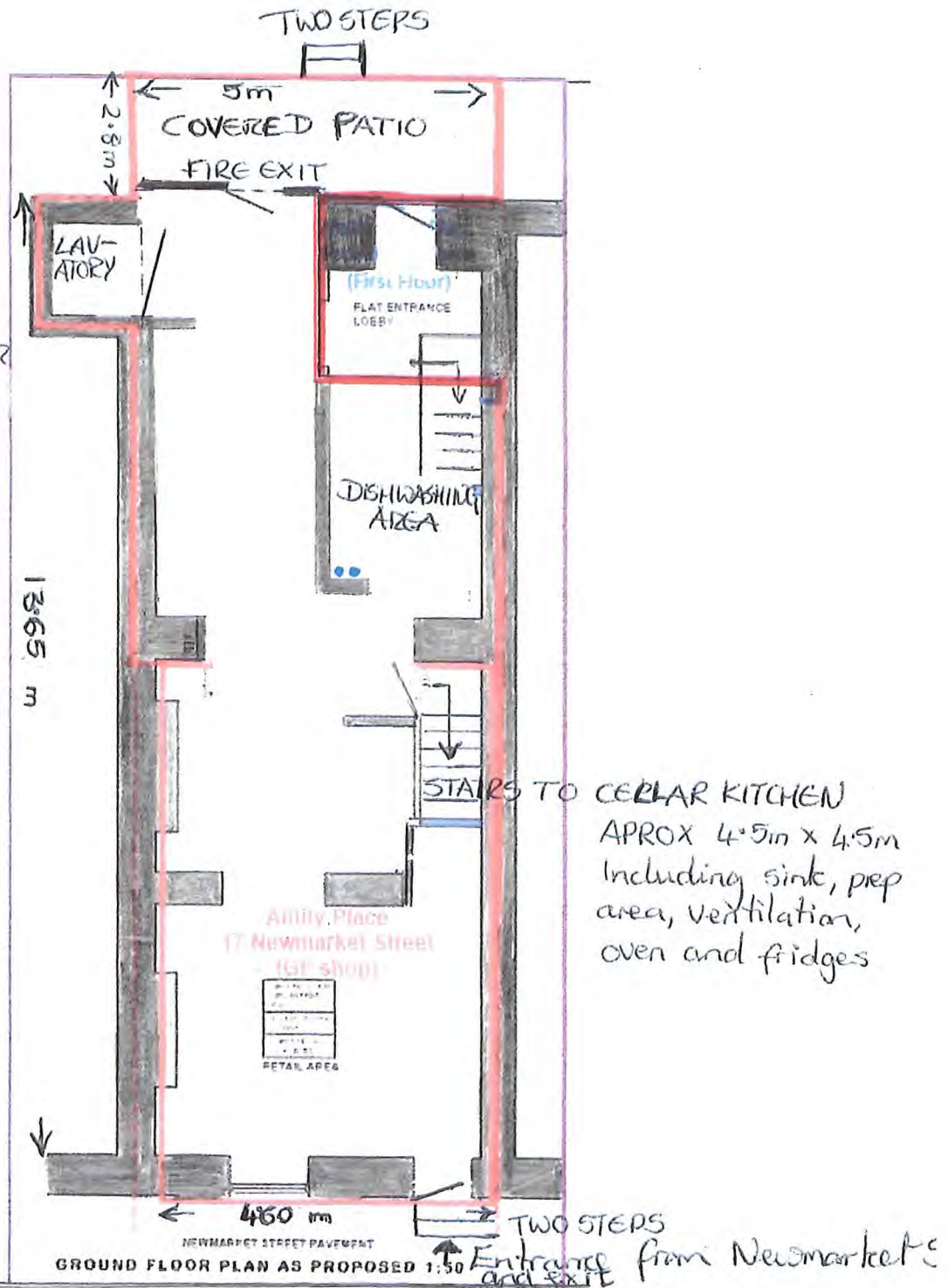
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

This authority is required to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or were undertaking a public function, in order to prevent and detect fraud. For more details, see our website.

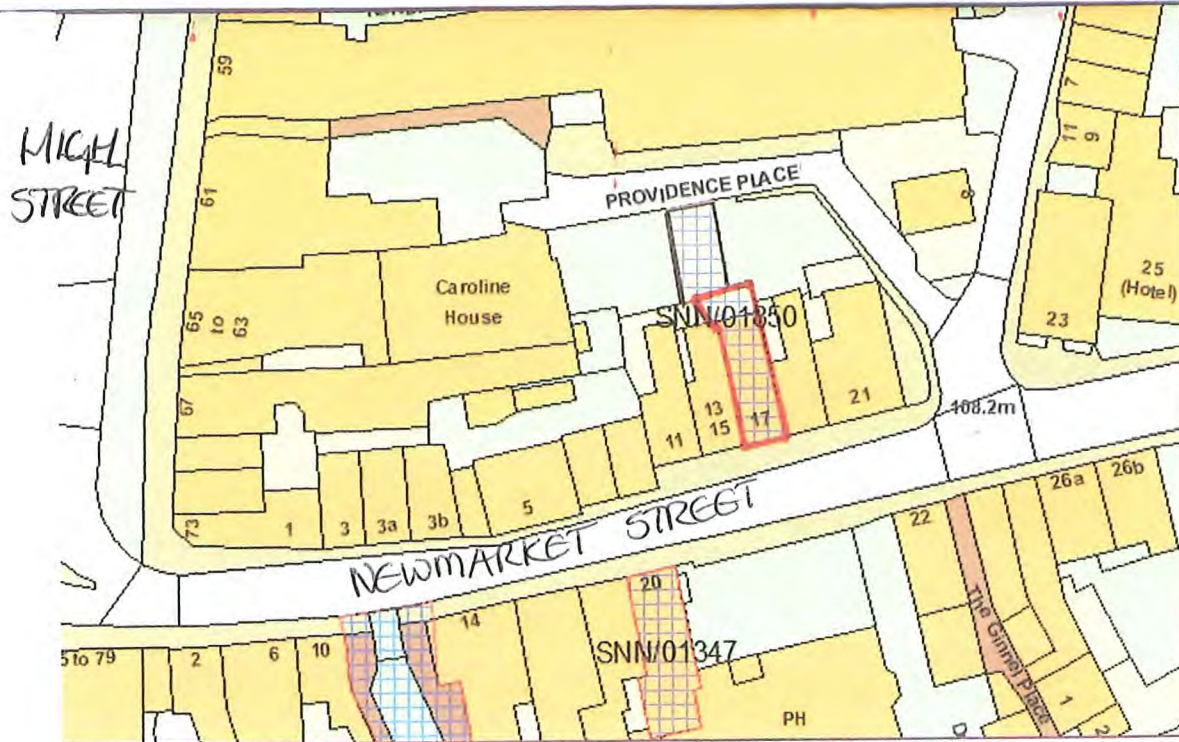
Area to be covered by Alcohol License
 Sfizio, 17 Newmarket Street, Skipton BD23 2HX
 outlined in red.

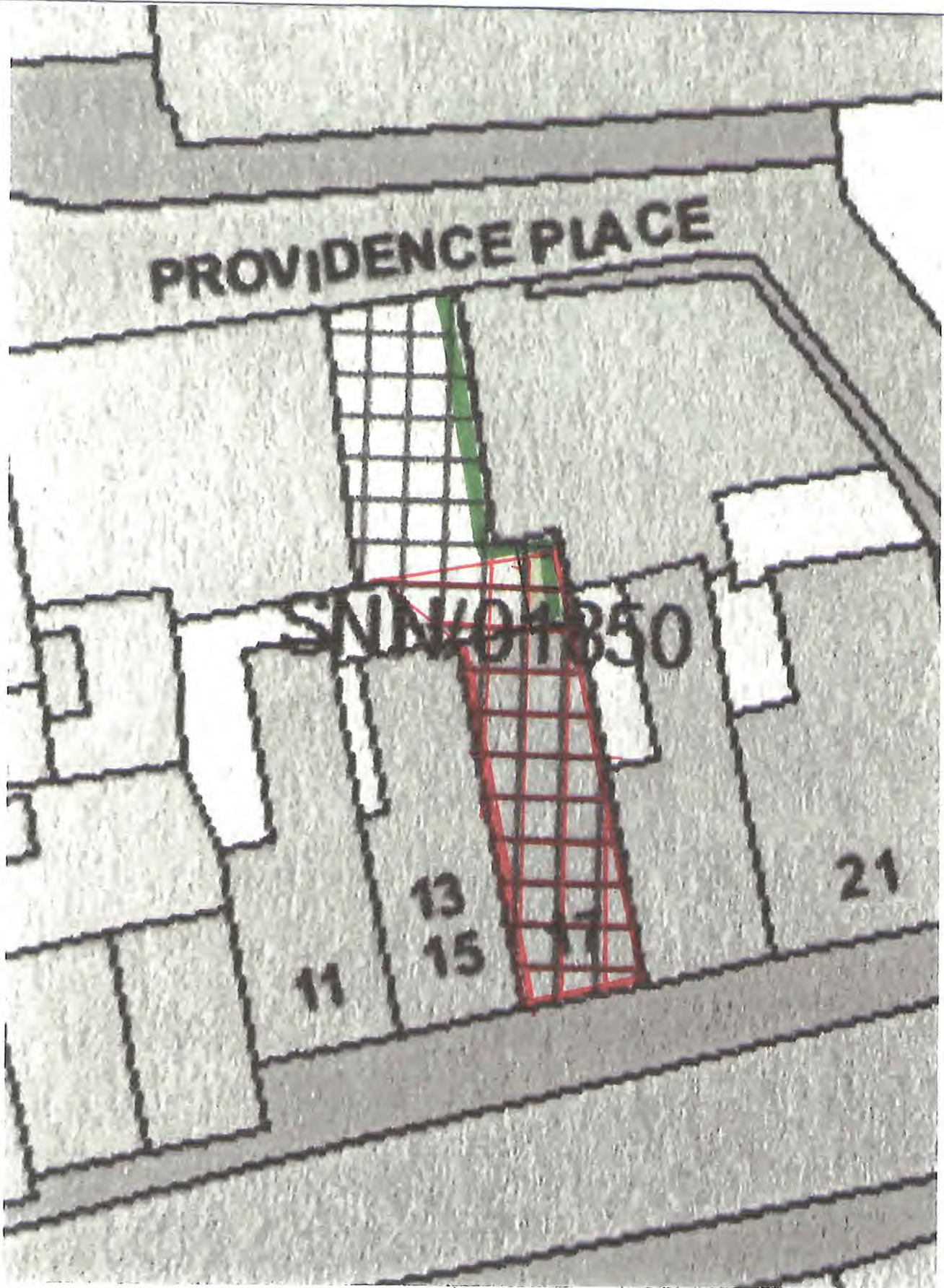
KEY

-  SOLID WALL BOUNDARY
-  PERIMETER OF LICENSED AREA
-  STEPS
-  DOORWAY
-  FIRE EXTINGUISHER



Sfizio
Amity Place
17 Newmarket Street
Skipton BD23 2HX





Sfizio
Amity Place
17 Newmarket Street
Skipton BD23 2MX

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LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application or review 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: Skipton Town Council		
Address: Town Hall High Street Skipton		
Postcode: BD23 1FD		
Contact telephone number(s)		
Daytime:	01756 700553	Mobile:
Email address: deputyclerk@skiptontowncouncil.gov.uk		

Licence application about which you wish to make a representation	
<i>You do not need to answer all of the questions in this section, but please give as much information as you can</i>	
Application Number:	
Licensee:	
Name of Premises (if applicable): AMITY PLACE, 17 NEWMARKET STREET	
Premises Address (where the Licence will take effect):	
17 NEWMARKET STREET	
Postcode:BD23 2HX	

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

The Prevention of Crime and Disorder

Public Safety


The Prevention of Public Nuisance

At a meeting of Skipton Town Council's Audit, Scrutiny and Planning Committee this application was discussed and considered by Members.

It was Proposed by Councillor C Nash, seconded by Councillor A Heseltine and unanimously resolved that members were against granting this license as the external arrangements had far too many covers and would create a disturbance to residents of Providence Place.

The Protection of Children from Harm

I, J Dean (on behalf of the Town Council) ..., hereby declare that all information I have submitted is true and correct.

Signed: 

Date:06/02/2024

Please send the completed form before the deadline to:

Licensing
North Yorkshire Council (Skipton office)
1 Belle Vue Square
Broughton Road
Skipton

BD23 1FJ

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

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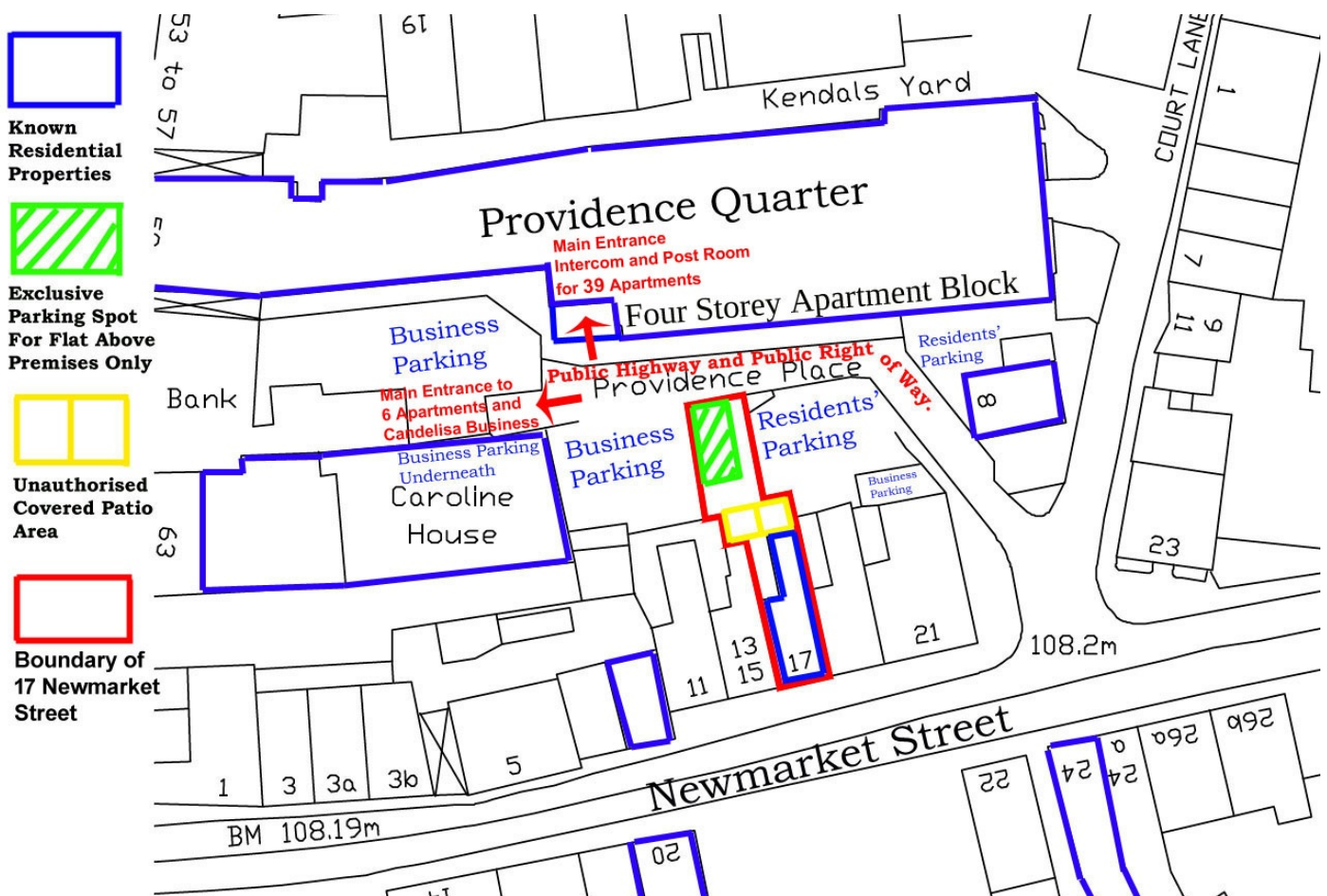
Licensing Act 2003 – Joint Representation from 31 Residents of Providence Place, Skipton.

Submitted By: REDACTED (see Annex One for other contacts)

Application Number: Not Known Licensee: Jane Louise Abruzzese And Catherine Boland Premises Details: Sfizio, Amity Place, 17 Newmarket Street, Skipton BD23 2HX

Reasons for Representation: Whilst residents of Providence Place do not object to the granting of an alcohol licence to these premises at 17 Newmarket Street, Skipton, we do have a number of ongoing concerns regarding the use of the rear of the premises, which is closely surrounded by residential properties, as detailed in the plan below. **These concerns are all related to The Prevention of Public Nuisance Licensing Objective.**

Providence Place Residential Area that closely surrounds the rear of the proposed premises.



Providence Place is a narrow, single-track road and is the main access to 48 residential properties, Candelisa offices and a number of residential and business parking areas along its length. Sixteen Providence Quarter and four Caroline House apartments face out onto Providence Place at the rear of the proposed premises.



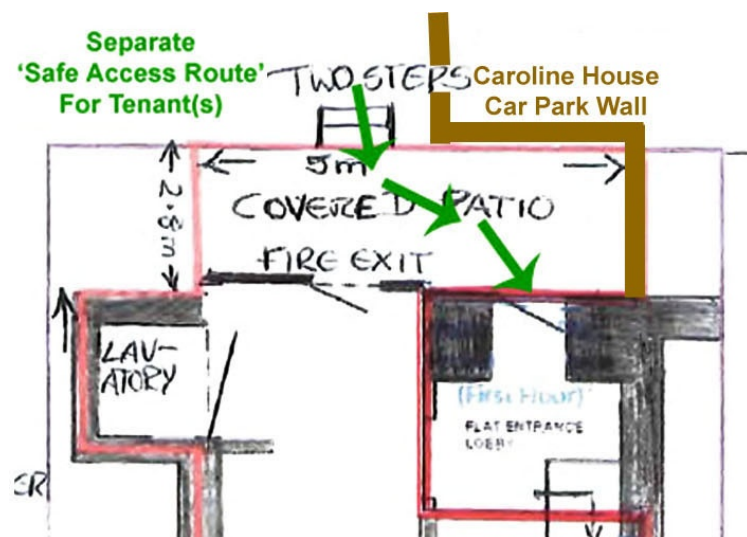
This licensing application includes a recently added, external 'covered patio' area to the rear of the Class E premises.

This structure has been the subject of a NYC Planning Enforcement case since September 2023, as it was erected in this Conservation Area without any Planning Consent.

The plastic roofing sheets have only just been removed in the last week and we are now left with an open structure.



The now open patio area, that is to be included in the licence, is a 'shared access' area that is shared between the Class E premise and a Class C residential flat above. It was originally proposed that this patio area would cater for 20 covers. We have been informed that this has recently been reduced to 15 covers.



Residents are aware that the applicants did engage with Responsible Authorities prior to submitting the application but they chose not to engage with local residents. This was disappointing.

Residents did initiate dialogue with the applicants after the application's submission. We did suggest a face to face meeting to discuss the application and our concerns. However, the applicants again chose not to take up this offer, which, again, was disappointing.

Residents are aware that the applicants are proposing to submit a planning application for a new extension. This may address a number of residents' concerns but there is nothing in place presently and there is no guarantee that approval will be granted for an extension in this Conservation Area. This Representation, therefore, can only take into account what exists presently.

Whilst some progress via email was made over residents' concerns and 'Conditions In Lieu Of Representations' were put forward by the applicants, it has been a slow and frustrating process, and there is still too much ambiguity in the conditions and proposals to be confident that the concerns have been addressed or may actually have been made worse.

As time has now run out, whilst still awaiting responses from the applicants on clarifications, and we have no choice but to submit a Representation, we can only presume the 'Conditions In Lieu Of Representations' have been lost and we may have to start again from scratch. Again, disappointing for residents.

Concerns relating to The Prevention of Public Nuisance Licensing Objective:

Concerns raised and present position:

Opening Hours: Concerns were raised regarding opening hours until 00:30 on Bank Holiday weekends.

Agreed Mitigation: Opening hours on Bank Holiday weekends have been reduced to a more acceptable 22:30. **This condition may have been rescinded due to this Representation being submitted.**

Deliveries: Concerns were raised regarding noise and other nuisance being caused by delivery vehicles using Providence Place immediately outside residents' properties.

The applicants did agree that large delivery vehicles would use Newmarket Street, however, they also stated that 'appropriately sized' delivery vehicles will use Providence Place.

This is ambiguous and does not address the issues.

Mitigation proposed by residents: Deliveries to be made from Newmarket Street.

Reasoning for deliveries to be made from Newmarket Street:

- **The Premise has no off street parking on Providence Place, as clearly detailed and justified in Planning Permission 2021/23193/FUL (see Annex B page 7).**
- **Providence Place is a narrow single track road, with no passing places, and is well used by residents, businesses and the public and can quickly get congested.**
- **Deliveries from Providence Place will cause noise nuisance immediately outside residents' windows and will cause further nuisance to residents, businesses and the public trying to use Providence Place.**
- **The premise does have the alternative option to use Newmarket Street, which is their registered address. Deliveries for residents (48 residential properties in Providence Place) and other businesses do not.**
- **There is precedence for deliveries to Licenced Premises being made from Newmarket Street, e.g. Wetherspoons (The Devonshire) and The Devonshire Vaults. Wetherspoons often has very lengthy deliveries from Newmarket Street.**
- **The retail area, cafe counter and the kitchen are all if the front section of the premise, making it logical to deliver via the front of the premise.**
- **Emergency vehicles (ambulances) have been greatly delayed in the past due to inconsiderate parking in Providence Place, e.g. a 20 minute delay for a resident with a broken hip.**
- **If large delivery vehicles can use Newmarket Street then there are no reasons why smaller delivery vehicles can't use this.**

Using Newmarket Street for deliveries will have minimal to no effect on the operation of the business, but it would help mitigate noise nuisance and potential disruption to the 48 residential properties on Providence Place, as well as to other businesses that have to use Providence Place.

Designated Smoking Area to rear parking area: Concerns were raised regarding potential noise and other nuisance due to smokers gathering in the rear parking area closely surrounded by residential properties.

The applicants did agree for customer smokers to use Newmarket Street but staff smokers would still use the rear. This does introduce some ambiguity and makes the condition regarding customer smokers difficult to enforce because:

- It may be difficult to distinguish between customers and staff.
- Staff using the rear door may give the impression to customers that this is a valid exit
- Staff smoking at the rear may give the impression to customers that this is a valid smoking area.

Mitigation proposed by residents: Designated Smoking Area to be restricted to Newmarket Street frontage only, for customers and staff.

Reasoning: To mitigate potential noise nuisance at rear of premise which is closely surrounded by many residential properties.

- A smoking area on Newmarket Street can be very closely monitored by staff at the Restaurant/Cafe counter that is located by the Newmarket Street entrance.
- It would be problematic to monitor the rear of the premise. There are no plans for CCTV at the premise and CCTV would not provide monitoring of noise levels anyway.
- There is already precedence for smokers on Newmarket Street in the immediate vicinity of the premise – e.g. Wetherspoons (The Devonshire), The Devonshire Vaults, 25 Below.
- Both customers and staff using the front of the premises for their smoking area would have minimal to no effect on the running of the business but would help mitigate potential noise nuisance from this activity for residents.

For the reasons stated above, residents cannot see why a separate ‘staff smoking’ area is necessary to the rear of the premise.

Residents are very concerned regarding the comments made by the applicants in their email of 16:08 on 3 February 2024: ‘In order for us to allow safe access and egress from the flat, the proposed extension will not take up the whole of the rear yard, which thereby *necessitates the erection of a gate to deter smokers from exiting.*’

This contradicts the agreement the applicants made in their email of 22:28 on 17 January 2024 where they stated that smokers would not use the rear of the premise.

Covered (now open) Patio Area: Concerns were raised regarding noise breakout from the covered patio area, which is closely surrounded by residential properties.

This is the area of most concern and confusion with residents.

In its present state, with the plastic roofing sheets removed, the patio area has little to no sound proofing qualities and ‘noise breakout’ could be significant at times.

If licensing is approved for this part of the premise there are concerns it can be used for licensable activities without Planning Approval.

The applicants have stated '*we confirm that the outside area will not be used until appropriate planning permission is obtained*'. This is ambiguous and not acceptable because:

- **Residents do not believe this statement is binding so the open area could be used for licensable activities in its present state if the applicants fail to gain planning approval for the new extension.**
- **If the applicants do gain planning approval then the patio area could then be used immediately after approval for up to three years in its present state without commencing the construction of the extension.**

The applicants have stated '*Concerning the rear of the property, we regard the proposal of a gate to be a reasonable adjustment based on the concerns raised in relation to patrons leaving via the parking area and also to smokers using this parking area to smoke.*' This is very ambiguous and not acceptable because:

- **The rear of the premise has an existing Fire Exit door that could be used for this purpose until the new extension is built. There is no requirement for a gate.**
- **The proposal for a gate at the other side of the patio area suggests that the applicants are planning to use the open patio area before Planning Approval for the extension is gained.**
- **The statement that the gate is required to prevent smokers using the parking area suggests that smokers would be using the patio area.**

Mitigation proposed by residents: Existing rear Fire-Exit door to premise to be Emergency Exit/Disabled Access only during trading hours, at least until the new extension is approved and actually constructed.

Reasoning: To mitigate potential noise nuisance from the 'open' yard at rear of premise which is closely surrounded by many residential properties.

This proposed mitigation only mirrors what the applicants stated in their email to residents of 19:46 on 9th January 2024 :- *Concerning the prevention of noise nuisance on the yard area at the rear of property we have consciously opted for a latest closing time of 21:30 (22:30 in Summer) **with no exit to the rear of the property other than for the Disabled, for the residents of the onsite flat, or in the case of fire.***

The present Licensing Application includes the whole of the 'Covered Rear Yard/Patio' area. However, in an email to residents of 16:08 on 3 Feb 2024, the applicants confirmed, '***In order for us to allow safe access and egress from the flat, the proposed extension will not take up the whole of the rear yard.***'

This means that the present Licensing Application will be exceeding the boundaries of the proposed extension. The Licence would need to be changed to reflect this.

Alternative/Additional mitigation: The rear yard area to be removed from the present Licensing Application until the size and shape of the proposed extension is known, approved by Planning and constructed.

Reasoning: The present Licensing Application does not match the proposed floor area of the extension and will require a change in the Licence anyway.

We have been made aware that there is a difference in costs between a minor and a full variation to a Licence. However, we feel that the Licensing application should have waited until the premise had been properly designed and planned.

Waste Management Noise: Concerns were raised regarding noise nuisance due to the proposal for the disposal of used bottles to be between the hours of 07:00 and 22:00

The applicants did agree to '*restrict the disposal of used bottles to between the hours of 09:00 and 20:00*' (email to residents of 09:38 on Fri, 19 Jan). However, **this condition may be rescinded due to the submission of this Representation.**

Ongoing concerns: There are still lots of concern from some residents regarding the very intrusive noise that will be generated early in the morning (around 7am) when the premise's bottle bins are emptied into the refuse wagon right outside residents' bedroom windows.

This will be an unprecedented noise nuisance generated within Providence Place, especially when compared to the Christian Book Shop that previously occupied the premise.

The residential properties pre-date the proposed Bistro by 9 years and this is a significant additional noise that the new business is bringing to this largely residential area.

However, it is difficult to see how this can be avoided without causing nuisance to others, e.g. It is difficult to mitigate this with a later collection time, as proposed by NYC Environmental Health, without causing potential disruption to other residents and businesses on Providence Place, and elsewhere on the route of the refuse wagon.

This may have to be a 'see how we go' issue, to gauge if this early morning, very intrusive noise can be tolerated. NYC Environmental Health have been sympathetic on this issue so it could be discussed with them if this proves to be particularly problematic.

This Representation is not an attempt to deprive the applicants of their licence it is merely residents trying to understand how these proposals will affect them and to find a fair balance between the needs of the licence holder and the risks of disturbance to local residents. These risks can be easily mitigated when the applicants have alternative options that have minimal impact on the running of their business. We have tried to highlight these options where possible.

Residents do feel that the ambiguity in some of the responses from the applicants may be the main issue that is preventing things from progressing for us. It is a shame that the applicants did not engage with residents prior to submitting their application, as recommended in 8.46 of the Section 182 Guidance, and also when we suggested a face to face meeting to discuss the proposals and our concerns, as this problem could have been easily avoided by talking to us.

Residents are still open to discussing these issues in person, so mediation may be a better way than a Committee Hearing in the first instance.

The Noise Policy Statement for England (NPSE) does recognise the impact that noise can have on health and well-being; accordingly, good health and a good quality of life can be promoted through the effective management of noise. It recognises residential areas to be the most sensitive to increases in noise and recommends to mitigate where possible.

Annex One – Address Details, indicating those that face Providence Place:

Providence Quarter, Providence Place, Skipton BD23 1FA:

Facing Providence Place:

12 names and 9 addresses redacted

Directors of Residents Management Committee:

5 names and 3 addresses redact

Caroline House, Providence Place, Skipton BD23 1FB:

Facing Providence Place:

8 names and 4 addresses redacted

3 names and two addresses redacted

Annex Two – Related Information:

Planning Application Number: 2021/23193/FUL

Planning Officer's Final Report

9.9 Assessment of proposal

9.10 The proposed first-floor residential flat would not have any significant adverse impact on the character of the surrounding area which has a variety of residential and commercial uses.

9.11 The proposed first-floor residential flat would have its own separate rear access

that would consist of a composite door that would match the design of existing door within the front elevation. Moreover, whilst it would contain a canopy over, this would not have a significant adverse impact on visual amenity.

9.12 The application also proposes replacing all of the existing rear paned timber windows with new timber framed units to match existing. This would ensure that the positive contribution they make to the Conservation Area is preserved.

9.13 Conclusion

9.14 In summary, the application site makes a positive contribution to the Skipton Conservation Area and nearby listed buildings. Nonetheless, the proposed development would be of a good design so would preserve the aforementioned designated heritage assets.

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Amenity

9.18 Future occupants

9.19 The proposed first-floor residential flat would have an acceptable amount of internal area

Moreover, the proposed flat would not be significantly overlooked, overshadowed or obstructed nor suffer any uncharacteristic disturbance. Therefore, the proposed development would secure an acceptable standard of amenity for future occupants.

9.20 The ground floor Class E use to be retained would not have any off-street parking provision. However, this would not have a significant adverse impact on amenity given the sustainable location of the application site providing opportunities to travel by sustainable transport modes. Therefore, the proposed development would secure an acceptable standard of amenity for future business occupiers.

9.21 Existing residents

9.22 The proposed development only proposes minor alterations and there would not be any additional windows. Whilst there would be a change in the character of the use of the first floor, this would not have a significant adverse impact on the amenity of existing residents or business occupiers.

Parking provision, sustainable transport and highways

9.24 The submitted proposed plans show that the existing rear parking area which provides off-street parking provision for approximately 1 vehicle would serve the proposed first-floor residential flat. Resultingly, **the ground floor Class E use to be retained would not have any off-street parking provision.**

9.25 Nonetheless, the application site is located within the town centre boundary as defined by the inset policies map of the Local Plan, which is identified as the principal town service centre by the settlement hierarchy at Local Plan Policy SP4. Therefore, there are opportunities to travel by sustainable transport modes.

9.26 On this basis, given the sustainable location of the application site, **the lack of off-street parking for the ground floor Class E use to be retained is acceptable** and would not have an unacceptable or severe residual cumulative impact on highway safety.

9.27 In conclusion, the proposed development would be located within a sustainable location providing opportunities to travel by sustainable transport modes so would not have an unacceptable or severe residual cumulative impact on highway safety. Therefore, the proposed development complies with Local Plan Policies INF4 and INF7.

Ongoing Conditions:

4 Unless alternative details have first been submitted to and been approved in writing by the Local Planning Authority, **the parking area shown on the approved proposed plan and drawing shall be maintained and retained for its intended purpose at all times. Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development** and in accordance with Craven Local Plan 2012 to 2032 Policies INF4 and INF7 and the National Planning Policy Framework.

Sfizio - Conditions proposed or agreed as part of the consultation period:

- 1) Documented staff training will be given by the Licence Holder regarding staff obligations in relation to the business's permitted licensable activities;
 - sale of alcohol
 - age verification policy
 - any conditions attached to the Premises Licence
 - what the Licensing Objectives are and the opening times of the venue.
 - Such training will be documented and refreshed every 6 months, with records kept for a minimum of 1 year and available upon request by any Responsible Authority. New staff will receive this same training part of their induction before commencing work.
- 2) The Licence holder will operate the 'Challenge 25' age verification policy displaying a notice of said intention near to the entrances of the premises. Only a current Passport, photo card Driving Licence, ID carrying the PASS logo will be accepted as verified ID.
- 3) The Licence Holder will operate primarily as a Bistro-with-Retail and, as such, the sale of alcohol will be ancillary to that of food.
- 4) A Refusals Register will be kept by the Licence Holder at the premise which refusals of alcohol sales to under-age or drunk persons will be documented. All such records will be kept for a minimum of 1 year from date of last entry.
- 5) An Incident Report Register will be kept at the by The Licence Holder at the premise which incidents of anti-social behaviour, ejections from the premises, crimes reported to the venue, or complaints about the venue relating to licensable activities, will be documented. All such records will be kept for a minimum of 1 year from date of last entry.
- 6) The 'Ask for Angela' initiative or similar national safeguarding scheme will be employed on the premises by posting information about such in an appropriate and prominent position.
 - Documented staff training on how to implement the initiative will be given on induction and refreshed at six monthly intervals.
- 7) A member of staff will undertake a documented Risk Assessment before the opening of this venue.
- 8) No open drinks vessels shall be taken out of the delineated licensed area on to the public pavement or highway.
- 9) The 'Designated Driver' initiative will be promoted on any advertising issued by the venue.
- 10) All staff shall be trained in how to identify drunk customers. Staff will be trained to refuse to serve any patron appearing to be intoxicated and will instead offer free water, or a coffee or soft drink.
- 11) Menus will include low- and no-alcohol alternatives.
- 12) Any sales of alcohol for consumption off the licensed area (defined by the red line on the premise licence plans) will be sold in sealed vessels.

- 13) Suitable and conspicuous notices will be displayed at the exit and in the external area of the premises requesting patrons to minimise noise when leaving and / or smoking.
- 14) Bins for waste from the premise will be stored at the rear of the property.
- 15) Staff will refuse to serve any person suspected of trying to purchase alcohol by proxy for a minor. Staff will alert the Police if they suspect harm may be done, or has been done, to a minor or vulnerable person while on the premises.

Conditions proposed and agreed to with Environmental health;

- 16) No more than 15 customers will be permitted to use the outside area at any one time.
- 17) External doors and windows will be kept closed during opening hours except for egress and ingress of customers/staff
- 18) Staff will regularly monitor the external parameter of the premises to ensure that any litter/noise emanating from the premises is minimised and rectified. This will be evidenced by check sheets.
- 19) The rear exit leading directly to Providence Place will only be used as an 'accessible entrance/exit' for patrons who may have difficulty using the entrance on New Market Street or for the purpose of a fire exit.
- 20) Waste, including bottles from the premises will not be disposed of between 2000 hrs and 0900 hrs
- 21) Customers will use the external area at the front of the premises only for smoking and smoking bins/ashtrays/receptacles shall be provided.