



Agenda

Notice of a public meeting of **Statutory Licensing Sub-Committee**

To: Councillors Barbara Brodigan, Clarke, Cousins, Kevin Foster and Tim Grogan.

Date: Friday, 26th April, 2024

Time: 2.00 pm

Venue: Council Chamber - Civic Centre, St Luke's Avenue, Harrogate, HG1 2AE

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.

This meeting is being held as an in-person meeting that is being broadcasted and recorded and will be available to view via the following link

<https://edemocracy.northyorks.gov.uk/ieListDocuments.aspx?CId=2123&MIId=8276&Ver=4> Please contact the named democratic services officer supporting this committee if you would like to find out more.

You may also be interested in [subscribing to updates](#) about this or any other North Yorkshire Council committee.

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)
5. **Whaddya Know? Limited, trading as La Feria - Application to Vary a Premises Licence** (Pages 5 - 62)
To consider a report of the Corporate Director of Environment.

Agenda Contact Officer:
Dawn Drury, Democratic Services Officer
Tel: 01757 292065
Email: dawn.drury@northyorks.gov.uk

Thursday, 18 April 2024



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

26 April 2024

La Feria - Application for the variation of a Premises Licence

Report of the Corporate Director of Environment

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to determine a premises licence application under the Licensing Act 2003.

2.0 BACKGROUND

- 2.1 An application for the variation of a premises licence has been made by Whaddy Know? Limited trading as La Feria, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA. A copy of the application and associated plan is attached at **appendix 1**.
- 2.2 The applicant is Jeremy Verity, Whaddy Know? Limited, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA, company number 08131232.
- 2.3 The premises are described as a bar/restaurant; the building set back from Cold Bath Road in Harrogate with an outdoor dining provision. A plan of the premises vicinity is attached at **appendix 3**.
- 2.4 The premises have submitted Temporary Event Notices in the past 12 months to make use of the external areas until 2300hrs as shown in the following table:

Uniform Ref	Date of TEN	Times
C23/00414/LA_TEN	Saturday, 6 May 2023	Extend from 21:00 till 23:00
C23/00419/LA_TEN	Saturday, 13 May 2023	Extend from 21:00 till 23:00
C23/00420/LA_TEN	Saturday, 20 May 2023	Extend from 21:00 till 23:00
C23/00421/LA_TEN	Saturday, 27 May 2023	Extend from 21:00 till 23:00
C23/00422/LA_TEN	Saturday, 3 June 2023	Extend from 21:00 till 23:00
C23/00423/LA_TEN	Saturday, 10 June 2023	Extend from 21:00 till 23:00
C23/00430/LA_TEN	Saturday, 17 June 2023	Extend from 21:00 till 23:00
C23/00431/LA_TEN	Saturday, 24 June 2023	Extend from 21:00 till 23:00
C23/00439/LA_TEN	Saturday, 1 July 2023	Extend from 21:00 till 23:00
C23/00441/LA_TEN	Saturday, 8 July 2023	Extend from 21:00 till 23:00
C23/00450/LA_TEN	Saturday, 22 July 2023	Extend from 21:00 till 23:00
C23/00451/LA_TEN	Saturday, 15 July 2023	Extend from 21:00 till 23:00
C23/00452/LA_TEN	Saturday, 29 July 2023	Extend from 21:00 till 23:00
C23/00453/LA_TEN	Saturday, 5 August 2023	Extend from 21:00 till 23:00
C23/00455/LA_TEN	Saturday, 12 August 2023	Extend from 21:00 till 23:00
C23/00456/LA_TEN	Saturday, 19 August 2023	Extend from 21:00 till 23:00
C23/00467/LA_TEN	Saturday, 26 August 2023	Extend from 21:00 till 23:00

- 2.5 The application seeks the removal of the following condition attached to the premises licence

Conditions agreed with North Yorkshire Council's Environmental Protection

Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 09:00

To be replaced with the following condition:

Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00 during the months of October to March. April to September the external areas can be used between 11:00 – 23:00 hours Monday to Saturday

2.6 Mandatory conditions detailed within The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 will apply to the licence. These conditions are detailed in **appendix 2**

2.7 The current premises licence authorises the following licensable activities:

Sale by Retail of Alcohol

Monday to Thursday	1100hrs until 2300hrs
Friday and Saturday	1100hrs until 0000hrs
Sunday	1100hrs until 2230hrs

Late Night Refreshment

Friday and Saturday	2300hrs until 0000hrs
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Note: The Live Music Act 2012 removes the licensing requirement for amplified live music taking place between 0800hrs and 2300hrs before audiences of no more than 500 persons on premises authorised to supply alcohol for consumption on the premises. Background music is also exempt.

Opening hours

Monday to Thursday	0830hrs until 2330hrs
Friday and Saturday	0830hrs until 0030hrs
Sunday	0830hrs until 2300hrs

2.7 A copy of the current premises licence is attached at **appendix 4**.

3.0 PROMOTION OF LICENSING OBJECTIVES

3.1 Section 4 of the Licensing Act 2003 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 A number of additional conditions were proposed by North Yorkshire Police to promote the licensing objectives. These conditions are attached at **appendix 5**.

- 4.2 The applicant has agreed to all the conditions requested by North Yorkshire Police and these will form part of the operating schedule. This correspondence is attached at **appendix 5.1**
- 4.3 One representation has been received from North Yorkshire Council's Environmental Protection Team on the objective of Prevention of Public Nuisance.
- 4.4 The representation is attached at **appendix 6**.
- 4.5 The applicant has accepted the Environmental Protection representation in full and agreed to the conditions contained within the representation. This correspondence is attached at **appendix 6.1**.
- 4.6 There have been three representations received from other persons which are attached at **appendix 7.1 to 7.3**.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not applicable

6.0 FINANCIAL IMPLICATIONS

- 6.1 Not applicable

7.0 LEGAL IMPLICATIONS

- 7.1 The Legal section has been consulted during preparation of this report.

8.0 EQUALITIES IMPLICATIONS

- 8.1 Not applicable

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 Not applicable

10.0 POLICY CONSIDERATIONS

- 10.1 The following sections of North Yorkshire Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application:

- Disturbance and environment - sections 4, 6 and 9
- Crime and disorder - sections 4 and 6
- Public safety - section 4
- Protection of children - sections 4 and 6

OTHER CONSIDERATIONS

- 10.2 The following sections of the Guidance issued under section 182 of the Licensing Act 2003 (updated January 2024) issued by the Home Office are relevant in considering the licensing objectives in relation to this application:

- Crime and disorder Section 2.1
- Public safety Section 2.8
- Public nuisance Section 2.21
- Protection of children from harm Section 2.28

11.0 HUMAN RESOURCES IMPLICATIONS

11.1 Not applicable

12.0 CONCLUSIONS

12.1 An application has been made for the variation of a premises licence by Whaddy Know Limited trading as La Feria, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA. Conditions agreed with North Yorkshire Police and North Yorkshire Council's Environmental Protection Team will form part of the conditions proposed in the operating schedule.

12.2 There are three representations from interested parties for the Sub-Committee to consider, attached at **Appendix 7.1 to 7.3**.

13.0 RECOMMENDATION

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

- i) To grant the licence
- ii) To grant the licence with conditions
- iii) To reject the application in whole or in part

APPENDICES:

Appendix 1 – Copy of application and plan

Appendix 2 – Mandatory Conditions imposed under Licensing Act 2003

Appendix 3 – Plan of premises vicinity

Appendix 4 – Copy of current premises licence

Appendix 5 – Suggested conditions proposed by North Yorkshire Police

Appendix 5.1 – Agreement to conditions proposed by North Yorkshire Police

Appendix 6 – Representation from North Yorkshire Council Environmental Protection

Appendix 6.1 – Agreement and withdrawal of Environmental Protection representation

Appendix 7.1 – Representation from other person

Appendix 7.2 – Representation from other person

Appendix 7.3 – Representation from other person

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton
08 April 2024

Report Author: Wan Malachi, Senior Licensing Enforcement Officer
Presenter of Report: Wan Malachi, Senior Licensing Enforcement Officer

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



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Whaddya Know? Limited, trading as La Feria

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/199315321
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description La Feria Ground Floor Wellington House Cold Bath Road			
Post town	Harrogate	Postcode	HG2 0NA

Telephone number at premises (if any)	01423 538181
Non-domestic rateable value of premises	£45,500

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	Whaddya Know? Limited Ground Floor, Wellington House Limited Company number: 08131232		
Post town	Harrogate	Postcode	HG2 0NA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

We are currently permitted to use the terraced area in front of the restaurant until 21.00 because of an Environmental Protection condition on our license which prohibits us from using the terrace between 21.00 – 11.00. We would like to remove this condition to be able to use the terrace until 23.00 from Monday to Saturday.

Realistically, this will only be during the summer months, from April to September, during the lighter evenings. We have successfully operated the terrace area in previous summers until 23.00 through the use of Temporary Event Notices (TENS) and would now like to formalise this activity if possible.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Wed					
Thur			<u>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 7)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			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 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Tue					
			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 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Tue					
			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 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Tue					
			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 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						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 7)		
Fri								
Sat								
Sun								

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 10).

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) We are licensed on Christmas Eve and New Year's Eve until 01.00
Day	Start	Finish	
Mon	12.00	23.30	Non standard timings. Where you intend 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 7) None
Tue	12.00	23.30	
Wed	12.00	23.30	
Thur	12.00	23.30	
Fri	12.00	00.30	
Sat	12.00	00.30	
Sun	12.00	23.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Existing condition to be amended from Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00

to Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00 during the months of October to March. April to September the external areas can be used between 11:00 - 23:00 hours Monday to Saturday ”

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All the conditions of our original Premises License will be adhered to for the additional 2 hours that the terrace area will be open.

b) The prevention of crime and disorder

c) Public safety

Additional lighting will be installed on the terrace area to ensure that all public areas are adequately lit.

d) The prevention of public nuisance

All recorded music will be turned off outside after 21.00,

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Jeremy Verity
Print name	JEREMY VERITY
Date	February 28 2024
Capacity	Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Print name	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

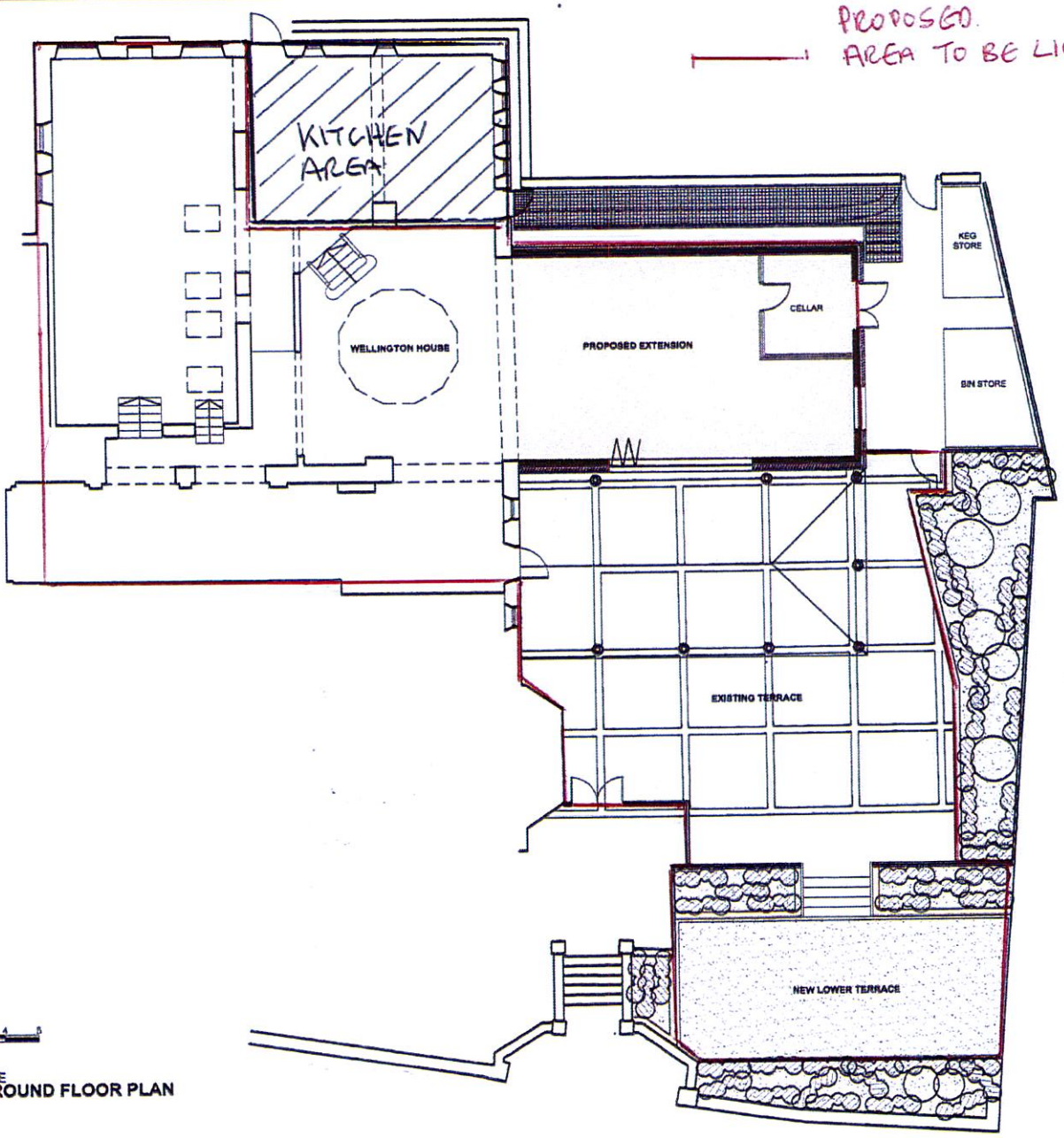
Please ensure all details are correct and return the completed form to:
Licensing (Harrogate), North Yorkshire Council, P.O Box 787, Harrogate, HG1 9RW

Any information you give to us will be held securely and in accordance with the rules on data protection. We will treat personal details as private and confidential and safeguard them. We will not disclose them to anyone unconnected with the Council unless you have consented to their release, or in certain circumstances where:

- we are legally obliged to do so;
- disclosure is necessary for the proper discharge of our statutory functions;
- disclosure is necessary to enable us to provide you with a requested service or deal with your enquiry;
- where "legitimate interests" are relied on in relation to specific processing operations

We are under a duty to protect public funds. We may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for public funds or for auditing them for these purposes. For more information see www.harrogate.gov.uk/privacynotice

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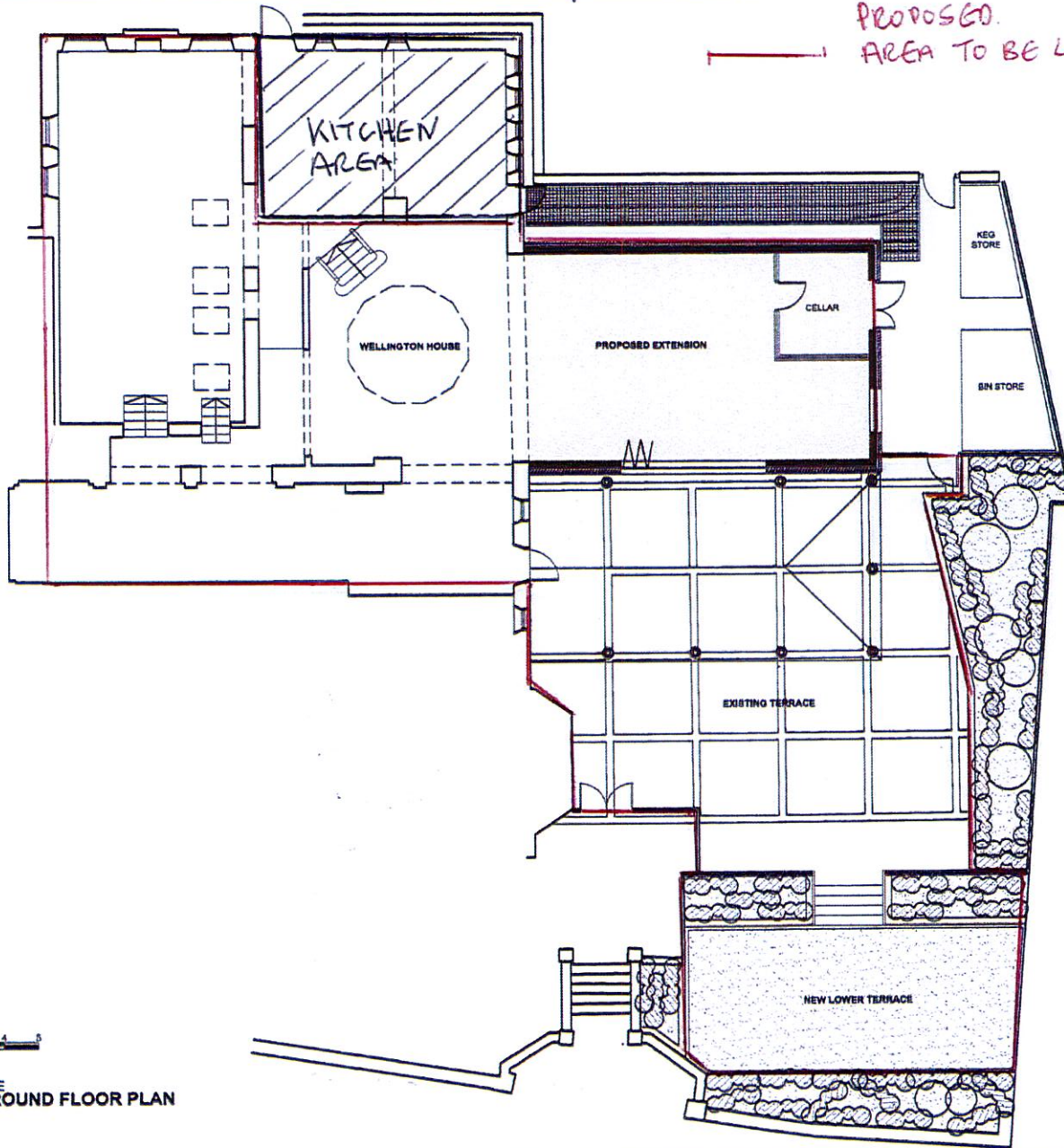
PROPOSED
 AREA TO BE LICENSED

- notes
1. DO NOT SCALE FROM THIS DRAWING - USE PROVIDED DIMENSIONS ONLY
 2. TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS / SPECIALISTS DRAWINGS. REPORT ANY DISCREPANCIES BEFORE AFFECTED WORK COMMENCES
 3. ALL SETTING OUT DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR BEFORE WORK COMMENCES



WELLINGTON HOUSE
PROPOSED GROUND FLOOR PLAN
 1:125

client description	
client	La Ferie
project	Wellington House, Cold Bath Road
drawing title	Proposed Ground Floor Plan
drawing number	015162_P214
revision	
drawing status	Planning
scale	1:125 @A3
date	August 2016
drawn by	BS
checked by	DJ
seven	
<small>Seven Architecture offices at: 81 Colindale Avenue, HAINESWORTH, W11 1ED 0 2041 236 883 Cambridge House, Victoria Avenue, HAINESWORTH, North Tyneside, HD1 1JD 0 1945 708 877 24 Cavendish Street, LONDON, EC1H 8DD 1 8533 638 081 Oxford Corporation, One Toulon, CAENBARRON, Devonport, LL28 1WJ 0 1208 889 343 e: info@sevenofseven.co.uk www.sevenofseven.co.uk</small>	



PROPOSED
 AREA TO BE LICENSED

- NOTES
1. DO NOT SCALE FROM THIS DRAWING - USE FIGURED DIMENSIONS ONLY
 2. TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS / SPECIALISTS DRAWINGS. REPORT ANY DISCREPANCIES BEFORE AFFECTED WORK COMMENCES
 3. ALL SETTING OUT DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR BEFORE WORK COMMENCES



WELLINGTON HOUSE
 PROPOSED GROUND FLOOR PLAN
 1:125

client	La Fata
location	Wellington House, Cold Bath Road
drawing title	Proposed Ground Floor Plan
drawing number	015162_P214
revision	
drawing status	Planning
scale	1:125 @A3
date	August 2015
drawn by	BS
checked by	OJ

seven
 Seven Architecture & Interiors Ltd
 61 Oxford Street, MANCHESTER, M1 6ED
 T: 0161 236 8883
 24 Oldfield Street, VINTAGE AVENUE, HARRINGTON, NORTH YORK, YO1 1LD
 T: 01432 799 887
 24 Oldfield Street, LONDON, EC1H 8DF
 T: 0203 024 0871
 100 Brook Street, The Pavane, CAERDIFFRAITH, DEWENTON, LL20 1RQ
 T: 01550 899 382
 e: info@seveninteriors.co.uk www.seveninteriors.co.uk



Extract from Licensing Act 2003

19 Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

20 Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

21 Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-



(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).



3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the

following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises —

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. (2) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.



(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

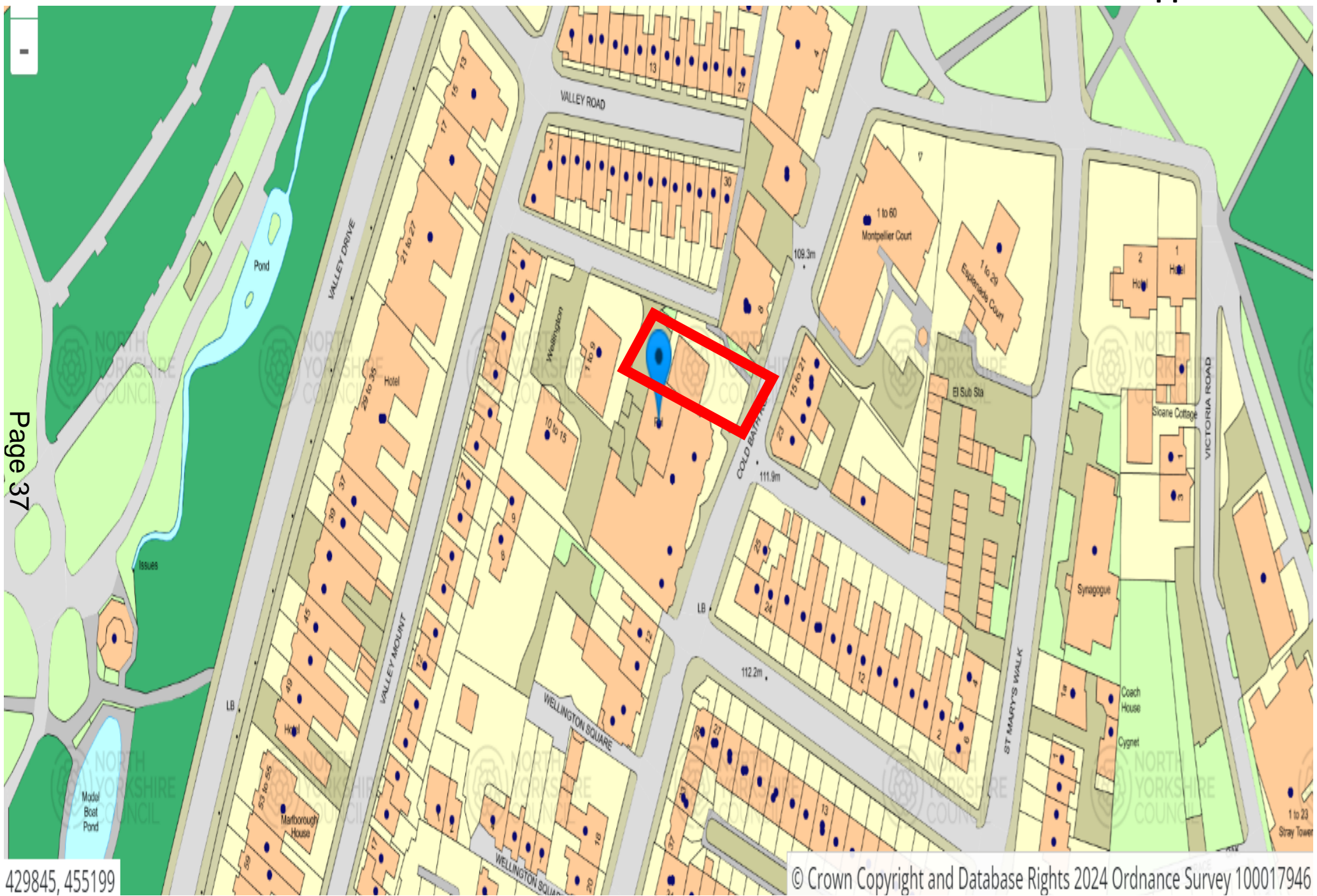
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”







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**PREMISES LICENCE SUMMARY**
LICENSING ACT 2003**Premises address:**

La Feria, Rear Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA

Licensable activities authorised by this licence: Sale by Retail of Alcohol, Late Night Refreshment**Times for licensable activities:**Sale by Retail of AlcoholMonday to Thursday 11:00 to 23:00
Friday and Saturday 11:00 to 00:00
Sunday 11:00 to 22:30Late Night Refreshment

Friday and Saturday 23:00 to 00:00

Opening hours of the premises:Monday 08:30 to 23:30
Tuesday 08:30 to 23:30
Wednesday 08:30 to 23:30
Thursday 08:30 to 23:30
Friday 08:30 to 00:30
Saturday 08:30 to 00:30
Sunday 08:30 to 23:00**Alcohol sales are permitted for consumption both on and off the premises****Details of holder of premises licence:** Whaddy Know? Ltd**Registered number of holder:** 08131232**Designated premises supervisor:** Mr Jeremy Verity**Access to the premises by children is not restricted**

Licence Transactions

Change of registered address: 26th April 2023

Change of DPS details: 20th July 2020



**PREMISES LICENCE
LICENSING ACT 2003**

Part 1 - Premises Details:

Premises address: La Feria, Rear Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA

Licensable activities authorised by this licence: Sale by Retail of Alcohol, Late Night Refreshment

Times for licensable activities:

Sale by Retail of Alcohol

Monday to Thursday 11:00 to 23:00
Friday and Saturday 11:00 to 00:00
Sunday 11:00 to 22:30

Late Night Refreshment

Friday and Saturday 23:00 to 00:00

Opening hours of the premises:

Monday to Thursday 08:30 to 23:30
Friday and Saturday 08:30 to 00:30
Sunday 08:30 to 23:00

Alcohol sales are permitted for consumption both on and off the premises

Details of holder of premises licence: Whaddy Know? Ltd, La Feria, Rear Ground Floor, Wellington House, Cold Bath Road Harrogate, North Yorkshire, HG2 0NA

Registered number of holder: [08131232](tel:08131232)

Designated premises supervisor: Mr Jeremy Verity, [REDACTED]

Personal licence number: LN/199312777

Issuing Authority: Harrogate Borough Council

For and on behalf of North Yorkshire Council

Annex 1 – Mandatory Conditions

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

1. The first condition is that no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises —
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 - (2) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 - (3)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that -
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance

ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(a) For the purposes of the condition set out in paragraph 1—

"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

"permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where—

P is the permitted price,

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

"relevant person" means, in relation to premises in respect of which there is in force a premises licence—

the holder of the premises licence,

the designated premises supervisor (if any) in respect of such a licence, or

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

"value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(a) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(b) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. (2)

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Recorded background music is unrestricted.

Annex 2 – Conditions consistent with the operating schedule

Licensable Activities

Sale by Retail of Alcohol

Both on and off the premises
Christmas Eve and New Year's Eve until 01:00

Late Night Refreshment

Indoors only

Licensing Objectives

General

We will endeavour to ensure that a personal licence holder will be on the premises at all times the licence is being used.

The Prevention of Crime and Disorder

- CCTV is installed at the premises
- Recordings shall be stored for a period of 28 days and made available to an authorised officer
- The system will be maintained and images sorted in accordance with the Data Protection Act and any other relevant legislation relating to the use of systems
- The CCTV system will cover both the interior and public entrances, working to Home Office and ACPO standards as described in the PSDB leaflet 09/05 and to the satisfaction of North Yorkshire Police and the Licensing Authority
- If the CCTV equipment is inoperative, then the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to make the system operative
- Notices will be displayed at the entrance advising that CCTV is in operation
- No open drinking vessels will be taken out of the premises licensed area
- Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers
- A Refusal Register and Incident Report Register shall be maintained for the premises.
- Such registers will record incidents reported by staff relating to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises
- Each entry in the register shall be kept for a minimum of one year
- The outside area will be constantly monitored and glassware removed on a regular basis

Public Safety

- Regular safety checks of the premises will be undertaken
- Records of the safety checks will be kept and made available for inspection by an authorised officer
- Emergency lighting is installed throughout the building

The Prevention of Public Nuisance

- The premises licence holder shall take measurements to ensure that internal noise from the premises will not be audible at the nearest residential premises after 23:00 hours
- Simple sound checks will be carried out outside of the nearest noise-sensitive property by listening to background music being played within the restaurant
- For the purpose of providing an objective standard to assess whether this condition is being complied with, noise shall not be considered audible if:
 - i. The measurement of sound when background music etc. is on (expressed as LAeq, 1

- min) does not exceed the measurement of sound (expressed as LA 90, 5 min) when the music is off, and
- ii. The measurement of sound in each 1/3 octave band between 40Hz and 160Hz when the music is on (expressed as L10, 1 min) does not exceed the measurement of sound in the same 1/3 octave bands between 40Hz and 160Hz when the music is off (expressed as L90, 5 min)
- All measurements taken within the habitable room using a Type 1 integrating-averaging sound level meter, with either window open for normal ventilation or close, whichever situation causes greater noise disturbance

The Protection of Children from Harm

- Staff training will be provided to all staff on licensing laws
- A "Challenge 21" policy will operate and signage displayed to this effect
- Proof of age cards will be sought where appropriate

Conditions agreed with North Yorkshire Council's Environmental Protection

1. Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00.
2. Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimise noise and when smoking and/or leaving.
3. The disposal of waste bottles into external receptacles shall not take place between the hours of 20:00 and 09:00.
4. Collection of waste bottles from the premises shall not take place outside the hours of 08:00 and 18:00 and shall take place only between Mondays to Saturdays.

Annex 3 – Conditions attached after a hearing by the licensing authority on 3rd May 2016

All conditions as set out under the Licensing Objectives and those agreed with Harrogate Borough Councils Environmental Protection Team.

Also to include:

- Staff training on the four Licensing Objectives
- External areas to include the canopy area

Annex 4 – Plans

Drawing No: 018162_P214

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Conditions agreed with North Yorkshire Police

1. a. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all internal and external areas to where the public have access to consume alcohol.
- b. The CCTV will be maintained, working, and recording at all times when the premises is open.
- c. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- d. Copies of the recordings will be kept available for any responsible authority for 28 days: subject to Data Protection requirements.
- e. Copies of the recordings shall be made available to any responsible authority within 48 hours upon request; subject to Data Protection requirements.
- f. Copies of the recordings will display the correct time and date of the recording.
- g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the Police or responsible authority.

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Wan Malachi

From: NYP Licensing <NYPLicensing@northyorkshire.police.uk>
Sent: 15 March 2024 11:12
To: Jez Verity; NYP Licensing
Cc: Licensing (HAR)
Subject: RE: La Feria Full Variation - C24/00156/LAPFUV

Thank you, Mr Verity, for the prompt reply,

North Yorkshire Council will place the agreed conditions on the premises licence, and when you are ready to install the extra cameras, please let me know and I will pop down to the premises.

Have a good weekend.

Kind Regards

Jackie

From: Jez Verity <[REDACTED]>
Sent: Thursday, March 14, 2024 3:51 PM
To: NYP Licensing <NYPLicensing@northyorkshire.police.uk>
Cc: Licensing Harrogate (Licensing.har@northyorks.gov.uk) <licensing.har@northyorks.gov.uk>
Subject: RE: La Feria Full Variation - C24/00156/LAPFUV

Hi Jackie,

Many thanks for your email and for talking to me this afternoon.

This is to confirm that we are happy to agree to the conditions you have set out in your email below regarding the installation of CCTV to cover all internal areas and additionally the external areas where alcohol will be consumed.

To that end, I will consult our CCTV engineer and arrange for him to come and meet at the restaurant at a mutually convenient time and thank you for your kind offer to come and discuss the most suitable positions for the extra cameras. I will be in touch with a suggested date in the near future.

Best regards,

Jez
Jez Verity
Director
La Feria
[REDACTED]

From: NYP Licensing <NYPLicensing@northyorkshire.police.uk>
Sent: Thursday, March 14, 2024 2:01 PM
To: Jez Verity <[REDACTED]>
Cc: Licensing Harrogate (Licensing.har@northyorks.gov.uk) <licensing.har@northyorks.gov.uk>
Subject: RE: La Feria Full Variation - C24/00156/LAPFUV

Good afternoon, Mr Verity, thank you for speaking with me earlier today.

Appendix 5.1

As you are aware I am the Licensing Officer for Harrogate and I have dealt with your previous applications over the years. Part of my role is to process all licensing applications that are submitted to North Yorkshire Police in our role as a responsible authority (as defined by the Licensing Act 2003).

I would ask that you accept this e-mail as both an acknowledgement to your communication and the formal response.

In assessing this application for a full variation so that you are able to use the external area, I have considered the licensing objectives and the police would seek the following conditions at La Feria to mitigate the risk of Crime and Disorder and Public Nuisance at the premises. I appreciate that you already have CCTV covering the inside of the premises, however it would be proportionate for me to request that you update the cctv conditions attached to your licence and also request cctv to cover the external area where alcohol will be consumed.

I would therefore ask that you agree to the conditions below and confirm this in writing. As per our conversation, I am more than happy to come to the premises and speak with the person who is going to install the extra cameras.

Conditions agreed with North Yorkshire Police

- a. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all internal and external areas to where the public have access to consume alcohol.
- b. The CCTV will be maintained, working, and recording at all times when the premises is open.
- c. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- d. Copies of the recordings will be kept available for any responsible authority for 28 days: subject to Data Protection requirements.
- e. Copies of the recordings shall be made available to any responsible authority within 48 hours upon request; subject to Data Protection requirements.
- f. Copies of the recordings will display the correct time and date of the recording.
- g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the Police or responsible authority.

Kind Regards

Jackie Allen
Licensing Officer
Mobile [REDACTED]

From: Licensing (HAR) <licensing.har@northyorks.gov.uk>

Sent: Wednesday, February 28, 2024 2:51 PM

To: alcohol@homeoffice.gov.uk; BusinessSupport <BusinessSupport@northyorks.gov.uk>; Community Safety (HAR) <community_safety.har@northyorks.gov.uk>; Environmentalprotection (HAR) <environmentalprotect.har@northyorks.gov.uk>; Fire (capabilities@northyorksfire.gov.uk) <capabilities@northyorksfire.gov.uk>; Foodandoccupationalssafety (HAR) <foodandoccupationalssafety.har@northyorks.gov.uk>; HSE <forms.admin.leeds@hse.gov.uk>; John Mathews <John.Mathews@northyorks.gov.uk>; Julie Parrish <Julie.Parrish@northyorks.gov.uk>; NYP Licensing <NYP.Licensing@northyorkshire.police.uk>; DMST (HAR) <DMST.har@northyorks.gov.uk>; nypublichealth <nypublichealth@northyorks.gov.uk>; Social Care Referral <social.care@northyorks.gov.uk>; Greg Chapman <Greg.Chapman@northyorks.gov.uk>

Cc: Licensing (HAR) <licensing.har@northyorks.gov.uk>

Subject: La Feria Full Variation - C24/00156/LAPFUV - (logged & saved-4085)-1503 Email to EPU

Good afternoon,

Appendix 5.1

We have received an application from the following Premises. Please advise if you wish to make representation by the **27 March 2024** and ensure you use the above reference for any correspondence relating to this application.

Date received: 19/02/2024

Date properly made: 28/02/2024

Premises Address: Rear Ground Floor, Wellington House, Cold Bath Road, Harrogate

Applicant: Whaddya Know? Ltd

Companies House/Insolvency Register check: [08131232](#)

Kind regards

Freja Lythgow
Technical Licensing Officer
Licensing – Central Area
North Yorkshire Council
PO Box 787
Harrogate
HG1 9RW

☎ Tel: 0300 131 2 131

✉ E-mail: Freja.Lythgow@northyorks.gov.uk

🌐 Website: www.harrogate.gov.uk

🌐 Web: www.northyorks.gov.uk



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Consultation with Responsible Authority

Resp Auth: EP

1. Application for Premises Licence

La Feria, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA

2. Representation: Yes

Date: 14th March 2024

3. Representation details

Licensing Objective Prevention of Public Nuisance

Reason for representation To prevent noise disturbance to occupiers of neighbouring dwellings

Conditions/Remedy

I understand this application is to remove an existing condition relevant to the use of the outside terrace area:

Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00

And replace it with the following:

Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00 during the months of October to March. April to September the external areas can be used between 11:00 - 23:00 hours Monday to Saturday.

Although this location has other bars and restaurants that have outside areas that operate at the same time, this site does have noise sensitive residential properties in close proximity. However, I understand the premises has been using the terrace area beyond 21:00 to 23:00hrs under TENs and having reviewed this team's complaints records there are none associated with this use.

However, as there is the potential for disturbance, in order to protect the noise sensitive premises in proximity to the site and prevent public nuisance I would recommend the conditions on the existing Premises Licence LN/199315321 stated under the 'Licensing Objectives- The Prevention Of Public Nuisance' and those stated under 'Conditions agreed with Harrogate Borough Councils Environmental Protection Team' (other than Condition 1) remain on any approved licence, with the addition of the following:

- 1) Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00hrs - 11:00hrs during the months of October to March

(Monday to Sunday), and between the hours of 23:00hrs-11:00hrs during the months of April to September* (Monday to Saturday). *Hours of use on Sundays during this period shall be the same as those during the months of October to March.

Contact details for Mediation

Name: [REDACTED]

Email:

Phone number: [REDACTED]

Date sent to Licensing Authority: 14th March 2024

Signed:

Wan Malachi

From: Licensing (HAR)
Sent: 04 April 2024 09:13
To: Wan Malachi
Subject: FW: Application for a premises licence variation - La Feria (ref: C24/00156/LAPFUV)

Hi Wan,

EP rep for La Feria is agreed & withdrawn.

Kind regards

Freja Lythgow
Technical Licensing Officer
Licensing – Central Area
North Yorkshire Council
PO Box 787
Harrogate
HG1 9RW

☎ Tel: 0300 131 2 131
✉ E-mail: Freja.Lythgow@northyorks.gov.uk
🌐 Website: www.harrogate.gov.uk
🌐 Web: www.northyorks.gov.uk



OFFICIAL

From: [REDACTED]
Sent: 15 March 2024 08:31
To: Licensing (HAR) <licensing.har@northyorks.gov.uk>
Subject: FW: Application for a premises licence variation - La Feria (ref: C24/00156/LAPFUV)

Morning,

I have replied to the below email confirming his interpretation is correct. As such, as he appears to agree to my representation I am happy to withdraw it.

Regards

[REDACTED]
Environmental Health Officer (Environmental Protection)

Environmental Protection
Regulatory Services (Harrogate)
North Yorkshire Council
PO Box 787
Harrogate
HG1 9RW

Telephone: [REDACTED]
Email: [REDACTED]
Web: northyorks.gov.uk



OFFICIAL

From: Jez Verity [REDACTED]
Sent: 14 March 2024 15:44
To: Gemma Demaline <Gemma.Demaline@northyorks.gov.uk>
Subject: Application for a premises licence variation - La Feria (ref: C24/00156/LAPFUV)

Hi Gemma,

I am in receipt of your representation regarding the above application via Nicola Kemp of the Licensing Team.

Just for clarification, I think you are saying that we should keep the conditions on the license regarding "Prevention of Public Nuisance" and "Conditions agreed with Harrogate Borough Council's Environmental Team", but by adding the wording you suggest at the bottom to the Licence, we will be able to use the external areas until 23.00 between the months of April and September, from Monday to Saturday. If that is correct I am more than happy to agree to your representation.

Thanks in advance for your help with this and I look forward to hearing from you soon.

Best regards.

Jez
Jez Verity
Director
La Feria
[REDACTED]

Wan Malachi

From: Angela Cameron [REDACTED]
Sent: 27 March 2024 20:00
To: Licensing (HAR)
Subject: Fwd: Application for La Féria restaurant

Categories: Freja

>

> Hi there, I am a resident and owner of a property at [REDACTED] and wish to share my concerns with regards to the application for La Féria to extend trading hours on the terrace.

> * My property [REDACTED] and indeed it is already quite noisy for us.

> * We have a young family and it is important that we are able to live in a peaceful residential environment, as this location is zoned.

> * Indeed, if the restaurant was operating as they intend with their new application, we would not have purchased this house for reasons listed below.

> * If La Féria is to extend their license hours on the terrace over the summer (already the noisiest time of the year) this will significantly impact our peace and quiet and the ability for our young child to sleep.

>

> I can be contacted at [REDACTED] or on this email address should you have further questions regarding my concerns.

> Thank you,

> Angela Cameron

>

> Sent from my iPhone

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Wan Malachi

From: Brad Smith [REDACTED]
Sent: 27 March 2024 20:01
To: Licensing (HAR)
Subject: La Ferie Application

Categories: Freja

Hi, I live on Valley Road and I'm against the application for La Féria to extend their trading hours. We have a young family and it is already hard enough to get them to sleep with the noise from their terrace. Please don't allow it. We appreciate having the restaurant there but if it operates any longer I'm afraid that it will encourage more drinking and lead to trouble.

Kind regards,
Brad Smith

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Wan Malachi

From: LR HA [REDACTED]
Sent: 27 March 2024 22:03
To: Licensing (HAR)
Subject: La Feria Restaurant- Licensing

Categories: Freja

Hello,

I have recently been made aware that 'La Feria Restaurant' on Coldbath Road, Harrogate has applied to remove a licensing condition preventing use of the terrace into late evenings.

La Feria is situated in a residential area of Harrogate and the terrace backs on to multiple residential properties. Allowing the late use of the terrace will negatively affect the neighbours, many of whom (myself included) have young children who will be disturbed by the additional noise and late footfall. We have raised these concerns in La Feria's previous attempts to remove the conditions and the decision has been made to remain as is. I do not believe the situation has changed since and would oppose the conditions preventing the late use being removed.

Many thanks,
Lucy Cook - Resident of Valley Road, Harrogate

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