



Agenda

Notice of a public meeting of Statutory Licensing Sub-Committee

To: Councillors Tim Grogan, Andy Paraskos and Kirsty Poskitt.

Date: Tuesday, 25 June, 2024

Time: 2.30 pm

Venue: Council Chamber, Ryedale House, Malton YO17 7HH

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.

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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.

Agenda

- 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. Application for grant of a Premises Licence for 37 Commercial Street, Norton, Malton, YO17 9HX** (Pages 5 - 74)

Agenda Contact Officer:

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Monday, 17 June 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

25 June 2024

Application for grant of a Premises Licence for 37 Commercial Street, Norton, Malton, YO17 9HX

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 Application

- 2.1 An application for the grant of a premise licence has been received from Malinka Malton Limited; the application is attached in **Appendix A**.
- 2.2 The application seeks to convert the ground floor of the commercial premises into a Middle Eastern restaurant with seating inside and out for a combined total capacity of 50 people. The licensable activities are as follows:

Sale of alcohol	10:00 to 23:00 Sunday to Thursday 10:00 to 01:00 Friday and Saturday
Recorded Music	23:00 to 01:00 Friday and Saturday
Performance of Dance	23:00 to 01:00 Friday and Saturday
Provision of Late Night Refreshment	23:00 to 01:00 Friday and Saturday
Opening Hours	10:00 to 23:00 Sunday to Thursday 10:00 to 01:00 Friday and Saturday

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 with a view to promoting the licensing objectives which are:

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

- 3.2 The following conditions have been offered as part of the application:

The prevention of crime and disorder

- 1) A tamper-proof digital colour CCTV system shall be installed and maintained on the premises.

- 2) The CCTV system must provide a clear head and shoulders view to an evidential quality on the customers entry.
- 3) Recorded footage must be provided within a reasonable time to an authorised responsible Authority Officer upon request.
- 4) Such footage must be provided in an immediately viewable format and must include any software etc. that is required to view the footage.
- 5) The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once every month. This check shall include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks shall be kept on the premises at all times and made available to a representative of any responsible authority on request.
- 6) A contact number for the Designated Premises Supervisor will be available on the premises when not on duty.
- 7) Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.

The prevention of public nuisance

- 8) Prominent, clear and legible notices shall be displayed at all exits and in key areas, requesting the public to respect the needs of the local residents and to leave the premises and the area quickly and quietly.
- 9) Refuse will be stored in an industrial container at the rear of the premise. Collections of refuse will only take place between 09.00 and 18.00.
- 10) No exterior lights will be allowed to cause any nuisance to any nearby resident.
- 11) The premises will only ever play low level background music.

The protection of children from harm

- 12) A documented programme shall be introduced for all staff in a position who take orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of the content of the training for a minimum of 12 months.
- 13) The premises shall operate a Refusals Log and an Incident Log.
- 14) A Challenge 25 Scheme shall be in operation at the premises and signage shall be prominently displayed at key areas. The only forms of ID that will be accepted will be valid photographic Driving Licenses, valid Passports, or other reliable photo ID that would be accepted by the Home Office.
- 15) The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

3.3 North Yorkshire Police Licensing have agreed further conditions which are attached at **Appendix B**.

4.0 Representations

4.1 Relevant representations have been received from North Yorkshire Fire and Rescue Service and 23 members of the public. The representations are attached at **Appendix C**, and they are in line with the following licensing objectives:

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

4.2 The representations are summarised as follows:

North Yorkshire Fire and Rescue Service

- The present premises layout plan does not currently meet Fire regulations. It was also noted that at the time of submitting the representation that no application to Building Control had been submitted.

Members of the Public

- The local area is predominantly residential with two establishments serving alcohol until late. The addition of another late-night premises may significantly disrupt residents of Commercial Street due to amplified noise arising from music and dancing emanating from the premises until 1 a.m. This would further exacerbate the existing disturbance.
- Concerns have been raised regarding the potential noise disturbance to nearby properties caused by customers using the external seating area.
- The congregating of groups on Commercial Street is already a source of concern and intimidation for the public. It is widely believed that introducing a new premises will only worsen this issue.
- Increased disturbance from noise is anticipated, as currently experienced by residents due to the presence of alcohol-intoxicated individuals shouting and screaming while leaving the licensed premises in the area.
- There is expected to be an increase in vehicular traffic on Commercial Street catering to the collection and drop-off of customers at the premises. This may lead to noise and disturbance to nearby residential properties, particularly from engines running and car doors slamming late at night.
- The area currently experiences antisocial behaviour, encompassing vandalism, indecent exposure, public urination by intoxicated individuals, and the presence of litter resulting from drug use and public alcohol consumption. It is believed that the addition of another premises serving alcohol until late hours will exacerbate such behaviour.

4.3 Members should note that some of the grounds for the representations may not directly relate to the licensing objectives but have been included in the interests of openness and transparency.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All of the Sub-Committee's options are outlined 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.

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 representations, determine the 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 applicant and all parties to the hearing may appeal against the decision of the Licensing Sub-Committee. Appeals must be made to a Magistrates' Court 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 The following sections of the Ryedale Locality Statement of Licensing Policy are relevant in considering the licensing objectives:
- Section 4.4 of the policy states that 'The Licensing Authority shall expect every licence /certificate holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned'.
 - Section 4.6 of the policy states that 'The Licensing Authority, however, recognises that the licensing law is not the primary mechanism for the general control of nuisance, noise or anti-social behaviour particularly once individuals have left the vicinity of the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence or certificate. However licensing controls and targeted enforcement should have a positive impact on the immediate vicinity of the licensed premises and assist in the management of the evening and night time economy'. Section 4.7 goes on to state 'The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Gambling Act 2005, the Equality Act, The Clean Neighbourhoods and Environmental Act 2005, Health and Safety at Work, etc. Act 1974, Environmental Protection Act 1990, the Noise Act 1996 and the Regulatory Reform (Fire Safety) Order 2005, etc.'.
 - Section 16.2 states 'The Licensing Authority shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other case it will be left to the discretion of the Licensee but the Licensing Authority shall expect that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective'. 16.3 states 'Where there are concerns with regard to access of children the Licensing Authority will consult the Director of Children and Young People's Services. However, where the Licensing Authority's discretion is engaged it will judge the merits of each application before deciding whether or not to impose conditions limiting the access of children'. Sections 16.4 and 16.5 give examples of types of premises and forms of entertainment that are likely to raise concern and engage the Licensing Authority as a Responsible Authority to take action. Finally, Section 16.7 states that 'In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this licensing objective and

highlight any adult entertainment or services etc that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to promote this objective but does state that 'no adult or similar entertainment shall take place on the premises', the Licensing Authority shall consider that this restriction to be a condition on the licence/certificate even though it may not state it on the licence/certificate itself'.

- Section 21.1 states 'The Operating Schedule is a key part of the application form whereby applicants may volunteer appropriate conditions to demonstrate compliance of the licensing objectives by describing the steps they intend to take to promote these objectives. These volunteered conditions will then form conditions on the Premises Licence or Certificate. In completing an Operating Schedule, applicants are expected to have regard to this policy'. Section 21.4 states that 'In completing their Operating Schedule the Licensing Authority suggest an applicant consider the following and goes on to give a list of measures applicants may like to consider for all four of the licensing objectives when completing their operating schedules e.g., CCTV, door supervisors etc.' Finally Section 21.5 states that 'These lists (contained in 21.4) are not exhaustive and advice can be obtained from the relevant responsible authority. However, applicants are reminded again to contact the relevant Responsible Authority to seek their expert advice before an application is submitted to the Licensing Authority'.

9.2 The Sub-Committee should also consider the following sections of the S182 Licensing Act 2003 Guidance:

- Principles – 1.15 to 1.17
- Crime and disorder – 2.1 to 2.7
- Public Safety – 2.8 to 2.9
- Public nuisance - 2.21 to 2.27
- Protection of Children from Harm – 2.28 to 2.29, 2.31 to 2.33
- Beer gardens or other outdoor spaces – 8.35 to 8.37
- Conditions - 10.1 to 10.10

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)

The Licensing Committee has the following options:

- To grant the licence as applied for (subject to any conditions consistent with the applicant's operating schedule)
- To grant the licence subject to any additional conditions that Members consider appropriate for the promotion of the licensing objectives; or

iii. To reject the whole or part of 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 – North Yorkshire Police Licensing Agreed Conditions

Appendix C – Representations

BACKGROUND DOCUMENTS:

Ryedale Locality Statement of Licensing Policy

Section 182 Guidance (Home Office), Licensing Act 2003

Karl Battersby

Corporate Director – Environment

County Hall

Northallerton

13 June 2024

Report Author – John Wardell – Senior Licensing Enforcement Officer (East)

Presenter of Report – Mark Heaton – Area Licensing Manager (East)

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

Rydale Council

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

~~I/We~~ Malinka Malton Ltd

(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			
Malinka Shwarma, 37 Commercial street, Norton			
Post town	Malton	Postcode	YO17 9HX

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 8,700.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|-----------------------------|
| a) an individual or individuals * | |
| 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 X

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		Other Title (for example, Rev)	
Surname		First names	
Date of birth I am 18 years old or over			
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

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SECOND INDIVIDUAL APPLICANT (if applicable)

MR		Other Title (for example, Rev)	
Surname		First names	
Date of birth		I am 18 years old or over	
Nationality			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name Malinka Malton Ltd
Address 59 Commercial Street Norton Malton Y017 9HX
Registered number (where applicable) 13893670

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

Limited Company

Telephone number (if any)

██████████

E-mail address (optional)

██

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	5	0	6	2	0	2	4

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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

Middle Eastern RESTAURANT OF A CAPACITY OF 50 PEOPLE on the main road in the centre of Norton.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F) X
- g) performances of dance (if ticking yes, fill in box G) X
- 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) X

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur								
Fri								
Sat								
Sun						<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</u> (please read guidance note 6)		

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<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 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<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 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4) Occasional 2 piece guitarist and singer/ DJ		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri	23.00	01.00	<u>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</u> (please read guidance note 6)		
Sat	23.00	01.00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4) Occasional performance of belly dancers		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri	23.00	01.00	<u>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</u> (please read guidance note 6)		
Sat	23.00	01.00			
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

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	X
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri	23.00	01.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	01.00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	✓
				Off the premises	
				Both	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	10.00	23.00			
Tue	10.00	23.00			
Wed	10.00	23.00			
Thur	10.00	23.00			
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	23.00			
			<u>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</u> (please read guidance note 6)		

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

Name		Ioana Alexandra Aninaru
Date of birth		██████████
Address		██████████ ██████████
Postcode	██████████	
Personal licence number (if known)		██████████
Issuing licensing authority (if known)		Barnsley Council

M

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

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

The premises has been assessed against the 4 Licensing Objectives as low risk

1: A tamper-proof digital colour CCTV system shall be installed and maintained on the premises

b) The prevention of crime and disorder

2: The CCTV system must provide a clear head and shoulders view to an evidential quality on the customers entry.

3: Record footage must be provided within a reasonable time to an authorised responsible Authority Officer upon request.

4. Such footage must be provided in an immediately viewable format and must include any software etc. that is required to view the footage.

5. The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once every month. This check shall include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks shall be kept on the premises at all times and made available to a representative of any responsible authority on request.

6. A contact number for the Designated Premises Supervisor will be available on the premises when not on duty.

7. Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.

c) Public safety

No risk has been assessed under the Licensing Act 2003

d) The prevention of public nuisance

Noise

8. Prominent, clear and legible notices shall be displayed at all exits and in key areas, requesting the public to respect the needs of the local residents and to leave the premises and the area quickly and quietly.

9. Refuse will be stored in a industrial container at the rear of the premise. Collections of refuse will only take place between 09.00 and 18.00.

10. No exterior lights will be allowed to cause any nuisance to any nearby resident

11. The premises will only ever play low level background music.

e) The protection of children from harm**Staff Training**

12. A documented programme shall be introduced for all staff in a position who take orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of the content of the training for a minimum of 12 months.

Compliance Logs

13. The premises shall operate a Refusals Log and an Incident Log.

14. A Challenge 25 Scheme shall be in operation at the premises and signage shall be prominently displayed at key areas. The only forms of ID that will be accepted will be valid photographic Driving Licenses, valid Passports, or other reliable photo ID that would be accepted by the Home Office.

15. The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. *Electronic Application*
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X

- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
--------------------	--

	<ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>T Clarke</i>
Date	07 th May 2024
Capacity	Agent on behalf of the applicant

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	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Mr Tony Clarke JMC Licensing Consultants, 540 Antrim Rd,			
Post town	Belfast	Postcode	BT15 5GJ
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Consent of individual to being specified as premises supervisor

I: *name of prospective premises supervisor*

Miss Ioana Alexandra Aninaru

[home address of prospective supervisor]

of:

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises Licence under s17 of the Licensing Act 2003

[type of application]

by

[name of applicant]

Miss Ioana Alexandra Aninaru

relating to a premises licence

TBA

[number of existing licence, if any]

for

[name and address of premises to which the application relates]

Malinka Shwama, 37 Commercial Street, Norton, Malton, YO17 9HX

and any premises licence to be granted or varied in respect of this application made by

[name of applicant]

concerning the supply of alcohol at

Malinka Shwama, 37 Commercial Street, Norton, Malton, YO17 9HX

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

Barnsley Council

[insert name and address and telephone number of personal licence issuing authority, if any]

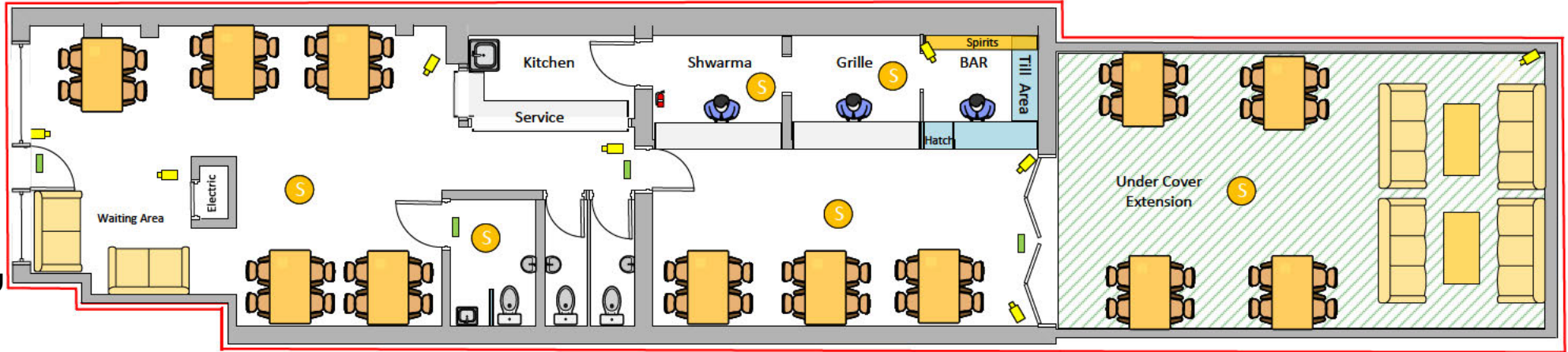
Signed





Name *(please print)*

Miss Ioana Alexandra Aninaru

Date

08th May 2024



LEGEND	
Smoke Detector	
Licensable Area	
Fire Exit	
Camera	
Fire Extinguisher	
Monitor	
SCALE	
1 : 100	

Drawing Purpose	PREMISES LICENCE APPLICATION
Drawing Details	The purpose of this drawing is for the submission of a Premises Licence Application. All Measurements have been drawn in millimeters. This drawing is not be used for the intention of any building, shop fitting or construction purposes.

Name of Premises	Malinka Shwarma
------------------	------------------------

Premises Address	37 Commercial Street Norton, Malton, YO17 9HX
------------------	--

From: [Churchward, Gemma](#)
To: [Licensing \(RYE\)](#)
Subject: FW: New Premises - Malinka Shwarma, 37 Commercial Street Norton, Malton YO17 9HX
Date: 29 May 2024 14:21:11

Good Afternoon

In relation to the above premises application, below is an email chain between myself and the consultant where they have agreed to the further conditions I have suggested, which are detailed below and also in the below emails:

1. **The premises shall maintain a CCTV system which covers all areas of licensable activity that takes place and provide coverage of all entry/exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon receipt of a request by an authorized officer or the police or the local authority, subject to data protection requirements.**
2. **A premises incident / refusals register shall be kept. Such registers will record incidents of staff refusals to underage or drunk people as well as incidents of any alcohol related anti-social behaviour and ejections from the premises. These records shall be kept for a minimum of one year, (For the avoidance of doubt, the one year period relates to each respective entry and runs from the date of that particular entry).**
3. **A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-**
 1. **operation of the CCTV system (including the downloading of evidence);**
 2. **retail sale of alcohol;**
 3. **age verification policy;**
 4. **conditions attached to the Premises Licence;**
 5. **permitted licensable activities;**
 6. **the licensing objectives; and**
 7. **opening times for the venue.**

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

4. The consumption of alcohol is only permitted for those seated at the tables and specifically not to be used for “vertical drinking”

5. A “Challenge 25” Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.

6. A minimum of two SIA registered door staff will be employed at the premises on Friday and Saturday nights from 21:00 hours until the premises closes. At all other times this will be risk assessed by the DPS/manager on duty.

Kind Regards

Gemma

PC Gemma Churchward

Collar number 1160

Police Constable
Licensing Officer
NYP Licensing
Local Policing Support
North Yorkshire Police
Committed to the Code of Ethics
Dial 101, press option 2 and ask for me by my full name or collar number
If using my collar number please state each number individually
www.northyorkshire.police.uk

From: Tony Clarke [REDACTED]
Sent: Wednesday, May 29, 2024 12:47 PM
To: Churchward, Gemma [REDACTED]
Subject: Re: New Premises - Malinka Shwarma, 37 Commercial Street Norton, Malton YO17 9HX
Hi Gemma,
Many thanks for coming back to me.
My client has just agreed to all of the conditions including the use of SIA door staff as proposed.
Kind Regards
Tony Clarke
JMC Licensing
On Wed, 29 May 2024 at 11:34, Churchward, Gemma

[REDACTED] wrote:

Hi Tony
If you could add the following condition in relation to the SIA door staff, it would help to support the application.
A minimum of two SIA registered door staff will be employed at the premises on Friday and Saturday nights from 21:00 hours until the premises closes. At all other times this will be risk assessed by the DPS/manager on duty.

Best Regards

Gemma

PC Gemma Churchward

Collar number 1160

Police Constable

Licensing Officer

NYP Licensing

Local Policing Support

North Yorkshire Police

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From: tony clarke [REDACTED]
Sent: Tuesday, May 28, 2024 9:52 AM
To: Churchward, Gemma [REDACTED]
Subject: Re: New Premises - Malinka Shwarma, 37 Commercial Street Norton, Malton YO17 9HX
Hi Gemma,
As previously mentioned my client would prefer to have the additional hour at the weekend

and this can be supported with SIA door staff and/or shunt lock.

Please advise on the police stance in this regard ?

Thanks

Tony

Sent from my iPhone

On 28 May 2024, at 9:31 AM, Churchward, Gemma

[REDACTED] wrote:

Morning Tony

I wondered if you had spoken to your client about the conditions and terminal hour I suggested?

Best Regards

Gemma

PC Gemma Churchward

Collar number 1160

Police Constable

Licensing Officer

NYP Licensing

Local Policing Support

North Yorkshire Police

Committed to the Code of Ethics

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From: Churchward, Gemma

Sent: Monday, May 20, 2024 12:25 PM

To: Tony Clarke [REDACTED]

Subject: RE: New Premises - Malinka Shwarma, 37 Commercial Street Norton, Malton YO17 9HX

Hi Tony

Thank you for your reply

When I spoke with Iona last week I mentioned about reducing the terminal hour to midnight and she was ok about this when I explained the reasons why.

As previously mentioned in my earlier email, the premises needs to promote the licensing objective, prevention of crime and disorder. There are six licensed premises nearby and they all close at 00:00 hours. There have been issues with crime and disorder linked to licensed premises there, and having a later terminal hour would potentially see additional incidents at this venue after other nearby venues close/there's more incidents later in the night meaning crime and disorder would be anticipated at an increased and unacceptable level if the premises remained open until 01:00 hours.

Based on the above North Yorkshire Police would still like the premises to have a terminal hour of midnight.

Best Regards

Gemma

PC Gemma Churchward

Collar number 1160

Police Constable
Licensing Officer
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Local Policing Support
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www.northyorkshire.police.uk

From: Tony Clarke [REDACTED]
Sent: Monday, May 20, 2024 10:56 AM
To: Churchward, Gemma [REDACTED]
Subject: Re: New Premises - Malinka Shwarma, 37 Commercial Street Norton, Malton YO17 9HX

Hi Gemma,

The amendments to the conditions are all fine.

I will speak to my client about reducing the terminal hour and let you know how she feels about it. I know from my earlier conversations that she really wanted this time because of the client base.

They will be Eastern European and or Middle Eastern people attending who culturally like to socialise later on into the evening, so before I do make contact with her I wonder if there may be another way to allow the venue to stay open by offering up further conditions ?

le: A shunt lock on the front door **And / Or**
SIA Door Staff on a weekend?

Thanks

Tony

On Mon, 20 May 2024 at 10:48, Churchward, Gemma

[REDACTED] wrote:

Good Morning

I am the Police Licensing Officer for the Malton area and I am currently reviewing the application you submitted in relation to Malinka Shwarma. I spoke with Iona over the telephone briefly last week about some conditions and hours of opening for the premises but this was difficult due to her being abroad so I advised I would liaise with yourself about the application.

On reviewing the application there are some conditions that I would suggest adding or expanding on. I have detailed below my suggested further conditions:

1. The premises shall maintain a CCTV system which covers all areas of licensable activity that takes place and provide coverage of all entry/exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon receipt of a request by an authorized officer or the police or the local authority, subject to data protection requirements.
2. A premises incident / refusals register shall be kept. Such registers will

record incidents of staff refusals to underage or drunk people as well as incidents of any alcohol related anti-social behaviour and ejections from the premises. These records shall be kept for a minimum of one year, (For the avoidance of doubt, the one year period relates to each respective entry and runs from the date of that particular entry).

3. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 1. operation of the CCTV system (including the downloading of evidence);
 2. retail sale of alcohol;
 3. age verification policy;
 4. conditions attached to the Premises Licence;
 5. permitted licensable activities;
 6. the licensing objectives; and
 7. opening times for the venue.

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

1. The consumption of alcohol is only permitted for those seated at the tables and specifically not to be used for “vertical drinking”
2. A “Challenge 25” Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.

I noted on the application that the suggested closing time for the premises is 01:00 hours on a Friday and Saturday night. North Yorkshire Police would make a representation against this application were the supply of alcohol terminal hour not reduced to 00:00 hours. The premises needs to promote the licensing objective, prevention of crime and disorder. There are six licensed premises nearby and they all close at 00:00 hours. There have been issues with crime and disorder linked to licensed premises there, and having a later terminal hour would potentially see additional incidents at this venue after other nearby venues close/there’s more incidents later in the night meaning crime and disorder would be anticipated at an increased and unacceptable level if the premises remained open until 01:00 hours.

Best Regards

Gemma

PC Gemma Churchward

Collar number 1160

Police Constable

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expressed in this document may not be official policy.

Thank you for your co-operation.

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Thank you for your co-operation.

From: sharon cawte [REDACTED]
Sent: 05 June 2024 19:13
To: Licensing (RYE)
Subject: Re: Huge concerns regarding the proposed application on 37 Commercial street Norton

Follow Up Flag: Follow up
Flag Status: Completed

Of course

Sharon Cawte
[REDACTED]

> On 05 Jun 2024, at 08:32, Licensing (RYE) <licensing.rye@northyorks.gov.uk> wrote:

>

> Good morning,

>

> Thank you for your email. Please can you supply your full postal address so that your comments may be logged and formally considered against the licensing application that ends consultation on the 6th June 2024.

>

>

> Regards

> Licensing Team

> North Yorkshire Council

> Ryedale House

> Malton

> North Yorkshire

> YO17 7HH

>

> Telephone: 0300 131 2 131

> Email: licensing.rye@northyorks.gov.uk

> Web:

<https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.northyorks.gov.uk%2F&data=05%7C02%7Clicensing.rye%40northyorks.gov.uk%7C08fa2ff3f7154d0634e008dc858b22b5%7Cad3d9c73983044a1b487e1055441c70e%7C0%7C0%7C638532079833440885%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=vPZ6dsjXgVKtJaTL8tjZ%2FuWsez9ahN35qpqbJAcwso%3D&reserved=0>

>

>

>

>

> -----Original Message-----

> From: sharon cawte [REDACTED]

> Sent: 04 June 2024 18:01

> To: Licensing (RYE) <licensing.rye@northyorks.gov.uk>

> Subject: Huge concerns regarding the proposed application on 37 Commercial street Norton

>

Representation 1

- > Good evening
- > I would like to raise my concerns with regard to the application by Malinka Market.
- > I have a number of concerns and these are in no particular order....
- > (I was a town councillor on NTC for around 8 years so I am certain they will have the same opinion as me and oppose this application. [REDACTED])
- >
- > 1) NOISE. This is a huge issue as there are numerous dwellings around this location. The following streets are also in very close proximity; Plum Street, Wold Street, Wood Street and obviously Commercial street.
- > The noise from this location until 11pm or 1 am depending on which night it is will have a massive impact on the quality of life of local residents as their sleep will be disrupted especially in warmer months when windows need to be open. Shift workers and children will not have restful sleep due to noise.
- > People wandering home shouting, singing or arguing will also need to be taken into consideration. I am in St Peter's crescent and I can hear the Derwent Arms on a warm night if the air is still so this will define fly be worse as it is planning on opening much later.
- > The owners of the Malinka Market often breach the conservation area rules by placing ugly signage on their shop window and having the door to the shop propped open all day opening out onto the street which is a Breach of planning regs and leaving deliveries abandoned in the footpath for people to fall over or obstruct the footpath causing issues for wheelchairs and pushchairs
- > 2) FRONTAGE - I dread to think what ugly signage they will place in the windows and outside the building, IF this ridiculous application goes ahead there needs to be strict ruling over what can and can't be allowed to be placed on the windows.
- > 3) LIGHTING) this needs to be very strict as the area is in a conservation area plus it would have to be respectful for residents.
- > 4) INAPPROPRIATE LOCATION- no need to break this comment down it is very clear what I mean!
- > 5) BREACHING OF LICENSE I understand there will be a lap dancing bar in the club area, authorised or not this is NOT appropriate in Norton! Can you guarantee that the owners will close at the listed timings?
- > 6) LITTER there will be an impact on litter in the area as people leave the location.
- > 7) SMOKING AREA. it is irresponsible to place a smoking area at the front of a licensed premises. It is not fair in. On smokers to have to walk through an area where smokers are. It is also going to cause an issue with cigarette ends littering the footpath.
- > 8) FIRE SAFETY. the fire service will not appreciate the layout of the proposed building as this is a very old building and will need to be at current spec to avoid disaster of fire, will there be a safe area to place exterior stair cases for fire purposes?
- > 9) LOCAL RESIDENTS WILL OPPOSE) and rightly so! To allow planning to go ahead by Placing something like this in a Residential area would simply be irresponsible of NYCC There are many other more suitable locations - York had the best idea placing Ikon and Diva on an industrial site where it didn't disturb anyone!
- > 10) DOORSTAFF. Can you guarantee that licensed doorstaff will be on the doors of this building at the correct times? I would not be surprised if they are not present of 'staff' on the rota would carry out this duty.
- > 11) DRINK DRIVING & OTHER ANTISOCIAL BEHAVIOUR- due to the extended opening hours this will impact on patrolling police. [REDACTED] know the Impact these few hours will have on Malton Police Station.
- > The concern here is that we are stretched with staff numbers but these extra hours will need to be monitored for drink driving and assault style offences. If an incident occurs in another area of Ryedale at the proposed location then there could be an issue of no police available to attend.
- > 11) COMMON SENSE. It comes down to this no one in their right mind would think this is a good thing for Norton. We have a large number of residents in and outgrown village with a very small number of shops. Therefore a club in this particular location is just plain simple bonkers!
- >
- > Thank you for taking the time to read my concerns
- >
- > Regards
- >
- > Sharon Cawte
- >
- >

From: Julie Keen [REDACTED]
Sent: 05 June 2024 17:21
To: Licensing (RYE)
Subject: Objection to permission for licensed premises at 37 Commercial Street. Norton. Ref: ZE24/00465/FUL

Objection to permission for licensed premises at 37 Commercial Street. Norton.

Ref: ZE24/00465/FUL

To whom it may concern,

I wish to lodge my formal concerns and objections about the proposed Bar at 37 Commercial Street Norton:

The time in which these planned activities are a major concern for me, due to the lateness of the hour, consuming alcohol into the early hours of the morning, and the level of noise from the recorded music!

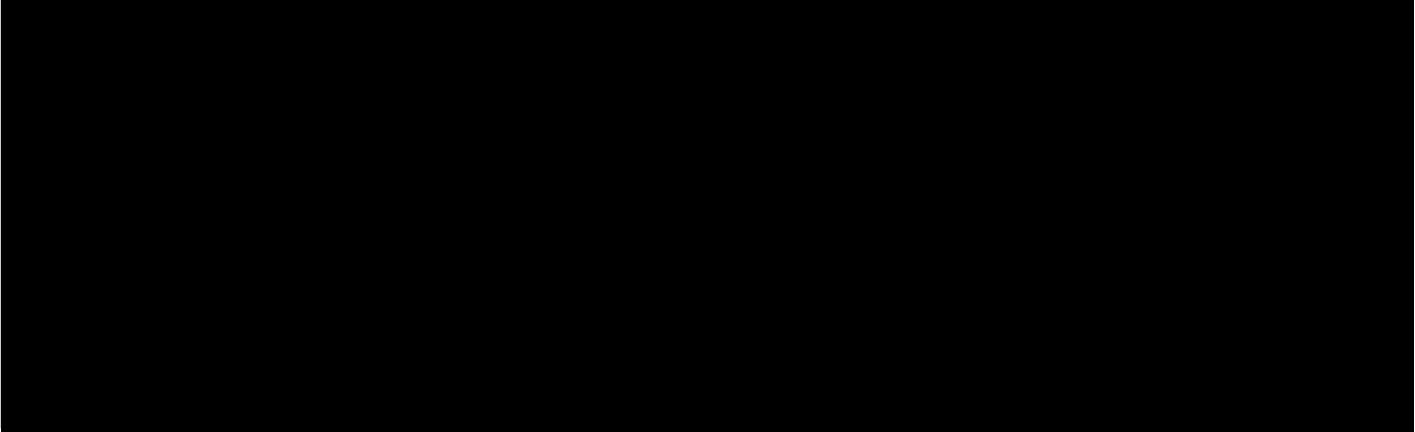
The application cites drinking of refreshments, playing recorded music and performance of dance to be inside. The current construction of the building at the back of the property, has already been built, which is of a wooden construction. I have three concerns here: firstly, that the wooden construction has been built prior to any planning being agreed, secondly, that wooden constructions are not as adequately soundproofed as brick or stone constructions and thirdly, how is the 'spilling out' of clientele going to be stopped and noise levels controlled in the proposed beer garden at the back of the building during the weekday evenings and into the early hours of the morning on Friday and Saturday evenings?

One of the main reasons that I purchased the house is because of its location as it is away from the main road and is generally very quiet. When I first moved in, I slept in the bedroom at the front of the house, however, the noise from the loud music from the Union pub disturbed me on the weekends so I moved into a bedroom at the back of the house. The bedroom I now occupy is currently very quiet but it backs on to the land directly connected to the proposed bar, which is close and easily visible from the location of my bedroom. In fact, I could hear the builders when they were building the new wooden construction!

The proposed 11pm to 1am performance of dance encourages clients to drink and be entertained late into the night / early hours, and my objection is not to the performance of dance per-se but rather to the fact that loud music will be played until 1am, the bar's clientele will be on the premises until at least 1am on Fridays and Saturdays and then vacating the premises potentially between 1am and 2am in the morning which is unacceptable in a predominantly residential area where families of all ages live.

Drinking alcohol is currently a problem on Wallgates Lane, where groups regularly drink at the back of Costcutters in the evening and early hours of the morning. They urinate, defecate and

vomit in Wallgates lane where I live, and this is a common occurrence. They also leave all their empty bottles and empty vape containers and litter, which has to be cleaned up by Costcutters or us as residents. Despite numerous complaints to the police and to Costcutters, this is rarely monitored and is an ongoing issue for us as residents. Whilst this may not seem relevant to the licensing of the bar, Wallgates Lane is an unadopted road and therefore has no street lights, which may be a factor in encouraging people to use the lane as a toilet. One of my concerns is of clientele leaving the proposed bar at various times of the day and night, potentially intoxicated, and also using the lane as a toilet and litter bin on their way home with little or no regard for the consequences for us as residents.



Norton currently has two public houses and the thought of another venue serving alcoholic beverages even later than the two pubs worries me greatly, especially as the proposed bar and beer garden are so close to my bedroom. This could potentially have a detrimental effect on my health and wellbeing.

Further, should the plans be agreed, I would like to know if there is any restrictions placed on the level of the recorded music and how any noise disturbance, public disturbances and/or public nuisance is going to be managed and policed in an area where resources are already compromised, and police presence is overstretched and therefore extremely limited!

I look forward to hearing from you.

Julie Keen.



[REDACTED]

From: Rachel Hewitt [REDACTED]
Sent: 05 June 2024 14:58
To: Licensing (RYE)
Subject: Objection to planning application number ZE24/00465/FUL

Dear Madam/Sir,

I live at [REDACTED] and I am writing to you to strongly object to the licensing and planning application for 37 Commercial Street, Norton.

I live directly opposite the proposed address: [REDACTED]

[REDACTED] I am extremely worried about the noise that would emit from a late-night bar with music and dancing, especially as there is a proposition to open a beer garden, which would mean that the noise will travel far. This would have an extremely detrimental impact on residents such as myself and my daughters.

The proposition is to open a bar with the latest and longest opening hours in all of the nearby area. This will mean that people who have been drinking at other establishments in Norton, Malton and surrounding villages are likely to be funnelled into Commercial Street late at night, after 11pm, to join people who have potentially been drinking all day in the proposed establishment. This would turn a previously quiet residential neighbourhood into one with a concentration of late-night noise and possible anti-social behaviour. This will entirely and detrimentally transform the current family-friendly qualities of Commercial Street and Norton.

My principal objection to this venue stems from my concern about how it will affect the safety and freedom of girls and women in the neighbourhood - including myself and my daughters.

The neighbourhood is largely (three-quarters) residential, with a significant number of families and young children living nearby. There are the 2 sites for the local primary school within a very short distance of the affected address, and Norton College, which means that large numbers of adolescent and pre-adolescent girls [REDACTED] walk on foot in the vicinity of the proposed bar. I am a researcher and writer, with a specialism in teenage girls' experiences of street harassment, and recent research shows that male street harassers are particularly likely to target girls of ages between 10 and 19. Bars with all-day opening hours (such as the proposed site) are hotspots in which men's harassment of teenage girls takes place more frequently, and with more severity, than in other locations. Such harassment can have a severely limiting effect on teenage girls' freedoms: 24% of girls who experience street harassment stop going to the location in which it occurred; and 5% give up a specific activity, like running, explicitly because of street harassment. I myself have been on the receiving end of intimidating looks, noises and comments from men outside Malinka Market, and I am appalled at the prospect of this intensifying outside a venue directly opposite my house, and affecting my daughters' freedom to move around public space. I am worried that I and my daughters - and other women and girls in the neighbourhood - will be rendered more vulnerable by the proposed establishment.

The proposition is also for 'performances of dance'. There are no further details given as to the type of dance that will take place, but the majority of dance performances in late-night drinking establishments feature women engaging in sexualised and/or objectifying performances. As the campaign group Not Buying It have reported, such venues are hotspots for male harassment of female passers-by, and effectively turn such venues and the nearby areas into 'no go' zones for women and girls. This is particularly intensified for under-age girls, who are a significant component of the passers-by of the proposed venue. The intensification of harassment around venues with late-night dance performances affects the hours when the dancing takes place, but it also affects the earlier hours of the venue's opening, because men with misogynistic attitudes frequent such establishments earlier in the day. As the licensing expert Philip Kolvin

Representation 3

states, the granting of licenses to establishments that thus restrict the free movement of girls and women is arguably a breach of equality law: "If a woman, **whether objectively justified or not**, fears to use part of the town centre...this may be argued to amount to **discrimination**, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant these considerations ought **properly to be taken into account by authorities** at the decision-making stage, and possibly at the policy-making stage"

I strongly feel that Commercial Street - with its proximity to 3 schools, and its location in the middle of a residential neighbourhood populated by families - is not the right location for an extremely adult venue. The proposed establishment would subject children to full view of intoxicated drinkers (mostly men), and it would also entail exposing children to a sexualised and misogynistic form of masculinity, in the form of a male clientele to whom late-night dance performances appeal. I am devastated by the prospect that this might all take place in full view of my daughter's bedroom window, and I object to this application in the strongest terms.

Yours sincerely,

Dr Rachel Hewitt

Dr Rachel Hewitt

Writer
FRSL



From: Vivienne Osborne [REDACTED]
Sent: 04 June 2024 11:09
To: Licensing (RYE)
Subject: Re: 37 Commercial St ZE24/00465/FUL

Follow Up Flag: Follow up
Flag Status: Completed

My current address is [REDACTED] however I'm waiting to hear back on an offer on [REDACTED] that I was intrested in purchase I am however considering withdrawing this offer due to its close proximity to the planned late licensed business, but plan to continue looking for a property in the area should the above license not be granted.

Regards V Osborne
Sent from my iPhone

> On 4 Jun 2024, at 10:23, Licensing (RYE) <licensing.rye@northyorks.gov.uk> wrote:

>

> Good morning

>

> Thank you for your email. Please can you supply your full postal address so that your comments may be logged and formally considered against the licensing application that ends of the 6th June 2024.

>

> As you have put licensing/planning if you wish to object to the planning application (reference ZE24/00465/FUL) that is also in consultation please can you address your comments to planning.rye@northyorks.gov.uk

>

>

> Regards

> Licensing Team

> North Yorkshire Council

> Ryedale House

> Malton

> North Yorkshire

> YO17 7HH

>

> Telephone: 0300 131 2 131

> Email: licensing.rye@northyorks.gov.uk

> Web:

<https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.northyorks.gov.uk%2F&data=05%7C02%7Clicensing.rye%40northyorks.gov.uk%7C2d91a4e8a1664085f11d08dc847ea9b1%7Cad3d9c73983044a1b487e1055441c70e%7C0%7C0%7C638530926744961081%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=ir%2FbUjmezKfLKRSUtx7%2F62sO6zLO0wQ66w29OFbMKjc%3D&reserved=0>

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>

> -----Original Message-----

> From: Vivienne Osborne [REDACTED]

> Sent: 03 June 2024 10:59

> To: Licensing (RYE) <licensing.rye@northyorks.gov.uk>

> Subject: 37 Commercial St ZE24/00465/FUL

>

> Dear Sirs,

>

> I'm contacting you to object to the Licencing/planning application above.

> I've found Commercial St to be a traditional style Yorkshire High St containing a mixture of traditional High Street shops but mainly residential houses and flats. There are also a couple of licensed businesses (pubs etc) within a short distance of the above address which are currently under utilised. I therefore feel adding another licenced premises would be detrimental to the existing similar businesses in the area. It would also be detrimental to the quality of life for locals with loud music, increased traffic late at night with taxi doors slamming and engines left running, along with the louder rowdy alcohol fuelled customers of the establishment leaving at 1am. The rumours of pole dancing and strippers are also rife for this establishment which is very concerning for everyone living in the area.

> I've recently moved to the area to stay with a friend whilst I look for property in Norton and currently experience a very calm and peaceful place to live and feel safe walking alone in the area at night, I have however put my house hunting on hold until the above plans are decided as I don't wish to live in the proximity of such a licensed premises.

>

> I do hope you'll take into consideration the strong feelings of the local community whilst reaching a decision on this.

>

> Regards Viv Osborne

>

> Sent from my iPhone

>

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>

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> Incoming and outgoing email messages, IT systems and applications are routinely monitored for compliance with the law, relevant policies and to ensure the integrity and effective operation of our ICT network and digital estate. In line with this, the content of this email and any attachments have been checked for the presence of viruses, but we advise that you take your own steps to ensure that they are actually virus-free.

>

> If you receive an automated response stating that the recipient is away from the office and you wish to request information under the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations, please resend your email to the Council's Information Governance Team(infogov@northyorks.gov.uk) who will process your request.

>

> For information about how we process data, please see our Privacy Notice at

<https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.northyorks.gov.uk%2Fprivacynotice&data=05%7C02%7Clicensing.rye%40northyorks.gov.uk%7C2d91a4e8a1664085f11d08dc847ea9b1%7C7Cad3d9c73983044a1b487e1055441c70e%7C0%7C0%7C638530926744978669%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=tAALXhDyIZWSFZ01a07RtAJV5RwHAROfbJC01P%2FI9FM%3D&reserved=0>.

[REDACTED]

From: Simon Osborne [REDACTED]
Sent: 27 May 2024 16:48
To: lisensing.rye@northyorks.gov.uk
Subject: Objection to planning application at 37 Commercial Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: TO FILE

Good afternoon

I would like to object to this planning application for the current premises to be converted from a cafe to a restaurant opening until 1am on Friday and Saturday evening. Having music and dancers on these evenings I feel will bring unnecessary noise and late night activity to the street. Commercial street has a mix of business and residential dwellings that at present, have a very respectful approach to living and working on the street.

I am aware we already have a pub on commercial street, but this pub is also very respectful of its location and residential homes, surrounding it. As a resident of the street I would need convincing that the late night openings, music and dancing do not impact on residential living, safety and noise pollution.

Kind Regards

Simon

Simon Osborne
[REDACTED]

Simon Osborne
[REDACTED]

I Elizabeth Torode of [REDACTED] object to the licensing / planning application at 37 Commercial Street Norton ZE24/00465/FUL due to the following;

I feel the music and noise created by this establishment being open until 11pm or 1am would have a detrimental impact on my home life / sleep - sleep in particular as I already struggle with this. I believe I would have to keep my windows closed more often due to the noise as I already have to close them due to noise from other establishments and the noise of the customers when leaving, the worst times being when I am in bed and would like to have the window ajar at night for air flow. I feel it relevant to mention I suffer regularly with migraines and noise is a particular hazard to this.

I feel the increased traffic, taxis and cars with engines running that will be generated by the proposed establishment will disturb residents and severely reduce residential parking facilities that are already insufficient. The Union which is near my address causes this issue so it is obvious that another venue will only add to the problem.

I already find it intimidating walking past the Malinka Market as gangs of people, generally young men, stand outside and stare at you, gesticulate and cat-call. I feel particularly sorry for young girls walking by. This is just going to get worse, especially late at night when they have been drinking but will stand outside number 37 instead. I will also find it more intimidating late at night when it's dark and I'm on my own, I'll feel like I can't be out of my house at that time and would be timing it so that I'm not arriving home - I am already stared at by these men when parking my car and have even had them walk over and stand a foot away staring at me whilst parking making me feel like I shouldn't be there.

There are already two pubs/bars in the close vicinity which should surely be enough? There may already be shops and businesses in Commercial Street but three quarters of the properties are residential and their occupants quality of life will be affected detrimentally by a bar opening on the street. I can already hear the loud music playing from the pubs (the Derwent in particular) which makes me not want to be outside in my own garden. I also hear loud shouting and screaming from the customers leaving the pubs late at night. As mentioned before this is worse when in bed and I can hear this even with my windows shut.

Presently the police patrol Malton on Friday and Saturday nights and I don't feel there will be sufficient presence to police the increased drinkers in Commercial Street a well.

At weekends police have been called to drunken men exposing themselves to passersby and drug paraphernalia as well as used condoms discarded on Commercial Street. I find the current state of this a concern and feel the problem will only be likely to increase if this application were approved.

For all of these reasons I strongly oppose the application.

Kind Regards

[REDACTED]
Elizabeth Torode

Date 01/06/2024

Re: planning application ZE24/00465/FUL

[REDACTED]

From: Leonie Coombes [REDACTED]
Sent: 23 May 2024 20:58
To: Licensing (RYE)
Subject: Premises license application 37 Commercial Street, Norton.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: TO FILE

Hello,

I see a premises license for 37 Commercial Street, Norton has been applied for including alcohol, music and dance until 11pm Mon to Thurs, and 1am on Fri-Sat. This address is also subject to planning application for change of use to a restaurant with a decking area being constructed on top of the existing single storey rear extension.

I am concerned that the combination of these two applications will be very invasive to those living in the flats either side of the premises, with people being able to look through their windows and being noisy until 1am and afterwards while leaving the premises after closing. I'm also concerned regarding the safety of combining alcohol, dancing and a decked area that is likely to be 3m or more above ground level.

It seems like the intention is to use the premises as a nightclub, rather than a restaurant, which is not a suitable development for the area, especially in conjunction with the deck.

Thank you,

Leonie Coombes
[REDACTED]

From: Sam Edwards [REDACTED]
Sent: 30 May 2024 13:22
To: Licensing (RYE)
Subject: 37 commercial Street norton

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir/madam,

This licensing application has been somewhat polarising. Personally, I have no issue with noise or additional traffic at night. We are on the main street through Norton after all. Noise is expected.

I am concerned by the late license to serve alcohol, the performance of dance, and playing of music until 1am. This area is partly residential so extended periods of noise wouldn't be ideal. To have an earlier finish would be far better for the surrounding residents. I'd suggest 11pm Sunday to Thursday, and 12am Friday and Saturday. This would be far less disturbing to the residents and far more in keeping with the existing businesses on commercial street.

I'd love something different to the usual pizza or Chinese takeaway on our street. We would happily utilise the restaurant regularly!

With thanks,

Sam Edwards
[REDACTED]

Sent from [Outlook for Android](#)

[REDACTED]

From: Dorothy Ratcliffe [REDACTED]
Sent: 01 June 2024 12:34
To: Licensing (RYE)
Subject: Re: licensing application ZE24/00465/FUL 37 Commercial Street Norton.

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your reply as requested my address is:

[REDACTED]

MRS Dorothy Ratcliffe

Sent from [Outlook for Android](#)

OFFICIAL

From: Licensing (RYE) <licensing.rye@northyorks.gov.uk>
Sent: Friday, May 31, 2024 11:00:10 AM
To: Dorothy Ratcliffe [REDACTED]
Subject: RE: licensing application ZE24/00465/FUL 37 Commercial Street Norton.

Good Morning

Thank you for your email.

I note that you have included the Planning application number. If you wish your comments to be logged against that application you will need to send them to planning.rye@northyorks.gov.uk or access the application here: [Simple Search \(ryedale.gov.uk\)](#)

To enable us to log your comments against the Licensing Act 2003 application we will require your full name and address.

Once the consultation period has ended, the application will be determined by the Statutory Licensing and Registration Subcommittee. We will forward more information about this process after the consultation.

I have attached a Licensing Act 2003 representation form should you wish to expand on your comments further. This must be returned before 6 June 2024.

Kind regards,

[REDACTED]

Licensing Team
Ryedale House
Old Malton Road
Malton
YO17 7HH

01653 638 226 / 245 / 250
licensing.rye@northyorks.gov.uk
www.northyorks.gov.uk



OFFICIAL

From: Dorothy Ratcliffe [REDACTED]
Sent: Thursday, May 30, 2024 3:39 PM
To: Licensing (RYE) <licensing.rye@northyorks.gov.uk>
Subject: licensing application ZE24/00465/FUL 37 Commercial Street Norton.

To whom it may concern,

I cant believe you would even consider this Cafe, Dance hall and Wine bar in the middle of Private property and shopping centre.

We all ready have live music blaring away every weekend until 11 O'clock at night from the Union pub. Plus, the potential of having groups of people gathering, intimidating passers by and local residence. Norton is a very big residential area and needs it shops. Green grocers, Fish mongers and bakers.

Please do not pass this application you will kill Norton off and the lovely shops we have we will loose trade, nobody will wont to come down hear with that racket going on.

Please don't pass this application.

Mrs D.M Ratcliffe

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31st May 2024

North Yorkshire Council Licensing Authority
Ryedale House
Old Malton Road,
Malton,
YO17 7HH

Re: Planning application number: **ZE24/ 00465/ FUL**

Dear Sir/ Madam,

We are writing to formally express my objections to the proposed licensing application at 37 Commercial Street, Norton.

We are residents of Commercial Street and as residents, we have significant concerns. My concerns are regarding both the potential licensing amendment itself and its impact on the well-being and amenity of the Norton and Malton area, including our own home and those of other residents.

Our apprehensions have been outlined in comprehensive detail in this objection letter.

Prevention of crime and disorder

In March 2024 (the most up-to-date data available), there were 98 crimes reported within a 1-mile radius of YO17 9ES, the postcode associated with 37 Commercial Street, Norton¹. Of these crimes, 33% were crimes related to violence or sexual offences and 25% of the crimes reported were attributed to antisocial behaviour.

It is not inconceivable to believe that an establishment that is proposing to serve alcohol to 1 am on Fridays and Saturdays and 11 pm on Sunday to Thursday, will add a considerable threat of crime and disorder to this Commercial Street and the broader community. Alcohol is closely related to criminal activity and violence. It is not an offence to gather in groups in public. Though it is known that groups often form outside 37 Commercial Street and with the addition of alcohol it is highly likely that the inebriated groups could turn aggressive, violent or exhibit lewd behaviour e.g., intimidate or verbally abuse passers-by². Intoxicated individuals are also more likely to engage in vandalism. Each of these actions constitutes an offence and is a threat to public safety. The already stretched police service and other relevant public services e.g., hospitals, are more likely to be required to control any potential incident or threat to public safety as a result of a crime.

It is in the interest of the North Yorkshire Council to mitigate against any potential crime and disorder. In this case a mitigation strategy would be to reject the licensing application for 37 Commercial Street.

Prevention of public nuisance

The licensing application at 37 Commercial Street is requesting to provide performances of dance to recorded music.

The North Yorkshire Council states that "*excessive entertainment noise from pubs, clubs and licensed premises can cause severe noise disturbances*"³. The council further outlines three concepts to manage noise "*reduce noise at source, prevent noise from escaping, management of the noise produced.*" Given these "*basic concepts,*" outlined by the North Yorkshire Council, the obvious strategy

¹ <https://www.crime-statistics.co.uk/postcode/YO17%209ES>

² <https://www.met.police.uk/advice/advice-and-information/asb/asb/antisocial-behaviour/nuisance-behaviour-groups-people/>

³ <https://www.northyorks.gov.uk/environment-and-neighbourhoods/pollution/noise-pollution/noise-pollution-pubs-clubs-and-licensed-premises>

to manage the potential noise generated as a result of the adoption of the proposed license in this application, is to reduce the noise as source by not allowing the source in the first place *i.e.*, rejecting this application.

The noise generated from The Union, a pub less than 20 m from 37 Commercial Street, is an existing public nuisance. We have previously made a noise complaint to the council regarding activities occurring at The Union and have heard comments from other residents on Commercial Street. There are frequently domestic arguments occurring outside The Union, further creating an environment that does not align with the community image that the North Yorkshire Council associate with Norton and Malton.

The influx of patrons would lead to increased traffic. Commercial Street is a 20-mph zone, though I am yet to see this enforced. The added traffic will further increase the noise pollution from the running of engines and strain the already inadequate parking facilities. This will adding additional disturbances to residents further decreasing our quality of lifes as a result. The increased traffic will also pose as a threat to public safety.

Protection of children from harm

Unfortunately, it is not uncommon to find litter on Commercial Street including drug paraphernalia *e.g.*, needles, syringes. This will only increase with the increased population of drunk people frequenting the area. The litter associated with drugs is hazardous waste. The litter associated with drinking could be very harmful *e.g.*, broken glass. There are three schools less than 650 m radius from 37 Commercial Street. Not only will the addition of a bar detrimentally impact the sense of community and wellbeing but it could pose as a significant health risk and will not protect children or the wider public from harm.

Assuming the license has been accepted, the potential of negligence when checking patron identification is high. This will encourage underage drinking further putting children as risk and the wider public. There may be inadequate security measures which could lead to criminal activities *e.g.*, theft or fights. This will compromise public safety.

To conclude, the North Yorkshire Police states that *"having to tolerate either constant or intermittent nuisance noise can be exhausting, especially if it happens through the night...It can also make people feel isolated and helpless, unable to relax in their own homes"*⁴. Over 75% of Commercial Street is residential. That would make 75% of Commercial Street more likely to feel isolate, helpless and unable to relax in their homes if the change in license of 37 Commercial Street is accepted.

Though, it is understandable for a business to want to expand and develop, it should not compromise the quality of life of residents on Commercial Street or jeopardise public safety. We are confident that North Yorkshire Council will consider this objection and make a well-informed decision prioritising the concerns of the residents of Commercial Street and the wider community of Norton and Malton.

Yours Sincerely,


Dr. Victoria E. Huntington


Dr. Robert E. Colston

~~-----Detach & delete any that do not apply-----~~

ROBERT COLSTON
I name Of...
VICTORIA HUNTINGTON



Object to the licensing/planning application at 37 Commercial St, Norton because:

I feel the music/noise created by this establishment, being open untill 11pm or 1am would have a detrimental impact on my home life/sleep & the enjoyment of local amenity for other residents.

I feel the increased traffic/taxis/cars with engines running that will be generated by the proposed bar would disturb residents & reduce residential parking facilities, that are already insufficient

I already find it intimidating when walking past the gangs of young men stood on the pavement outside Malinka Market, who gesticulate & cat-call to women (especially very young girls) walking by. This is just going to increase late at night when they are fuelled by alcohol but stood outside the Bar at number 37 instead.

There are already 2x pubs/bars in the close vicinity, which should surely be enough? There may already be shops & businesses in Commercial St but ¼ of the properties are residential & their occupants, quality of life will be affected detrimentally by a Bar opening on the street.

Presently, the police patrol Malton on Friday/Saturday nights, how are they going to police the increased drinkers in Commercial St as well? It will be much harder for them to provide cover for both areas at busy times & Norton is likely to lose out.

At weekends, police have been called to drunken men exposing themselves to passersby & drug paraphernalia discarded on Commercial St. This could possibly increase if this late-night drinking spot was approved, so I am objecting to it

Signed ..

Date 30/5/24
application number ZE24/00465/FUL

recd
31/6/24

From: andrew farrington [REDACTED]
Sent: 23 May 2024 20:57
To: Licensing (RYE)
Subject: Licensing Act 2003 (S17) Application for a new Premises Licence

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: TO FILE

Andrew Farrington
[REDACTED]
[REDACTED]

23/05/2024

Dear Sir/Madam,

Re: Objection to Licensing Act 2003 (S17) Application for a New Premises Licence for Malinka Shwarma, 37 Commercial Street, Norton, Malton YO17 9HX

I am writing to formally object to the application for a new premises licence under Section 17 of the Licensing Act 2003 for [Premises Name] located at [Premises Address].

My objection is based on the following grounds:

1. Prevention of Public Nuisance

The proposed premises is situated in a predominantly residential area. Granting a licence that permits extended hours of operation and the sale of alcohol is likely to result in an increase in noise levels and anti-social behavior. This would disturb the peace and quiet of the neighborhood, especially during late-night hours, impacting the quality of life for residents.

2. Prevention of Crime and Disorder

The introduction of a new licensed premises in this area may contribute to a rise in alcohol-related crime and disorder. There are already issues with public disturbances and vandalism in the vicinity, and an additional venue serving alcohol could exacerbate these problems, putting further strain on local police resources.

3. Public Safety

Increased foot traffic and potential intoxication in the area may pose significant public safety risks. The location is not equipped to handle a higher volume of patrons, particularly in the evenings. There are concerns about the adequacy of local infrastructure to support this increase without compromising the safety of both patrons and residents.

In conclusion, I believe that granting this licence would have a detrimental effect on the local community and would not promote the licensing objectives as outlined in the Licensing Act 2003. I urge the licensing authority to consider these concerns seriously and to refuse this application.

Thank you for your attention to this matter.

Yours faithfully,

Andrew Farrington

**IMPORTANT INFORMATION ON A LICENSING APPLICATION IN
COMMERCIAL STREET NORTON**

At 37 Commercial Street (next to pharmacy) for Malinka Shwarma-Malinka Market LTD has applied to open a BAR & serve alcohol (with or without food) on the premises previously known as The Kitchen, with a beer garden at the rear. The requested license is for the following:

Licensable activities: Supply of alcohol.

Planning application number ZE24/00465/FUL

- performances of dance - location of activity at the premises: indoors only
- late night refreshment - consumption - on premises
- recorded music - location of activity at the premises: indoors only

Times of serving alcohol:

- Friday & Saturday between the hours of 10am & 1am
- Monday to Thursday & Sunday between the hours of 10am & 11pm

Performances of dance: Friday & Saturday between 11pm & 1am

Late night refreshment: Friday & Saturday between 11pm & 1am

Recorded music: Friday & Saturday between 11pm & 1am

If you wish to object to this application write to North Yorkshire Council Licensing Authority at Ryedale House, Old Malton Road, Malton YO17 7HH or by email to licensing.rye@northyorks.gov.uk Alternatively you can detach the form below & send it by the 6th of June



-----Detach & delete any that do not apply -----



I .. *Freya Dukes* name Of [redacted] .. address

Object to the licensing/planning application at 37 Commercial St, Norton because:

I feel the music/noise created by this establishment, being open untill 11pm or 1am would have a detrimental impact on my home life/sleep & the enjoyment of local amenity for other residents.

I feel the increased traffic/taxis/cars with engines running that will be generated by the proposed bar would disturb residents & reduce residential parking facilities, that are already insufficient

I already find it intimidating when walking past the gangs of young men stood on the pavement outside Malinka Market, who gesticulate & cat-call to women (especially very young girls) walking by. This is just going to increase late at night when they are fuelled by alcohol but stood outside the Bar at number 37 instead.

There are already 2x pubs/bars in the close vicinity, which should surely be enough? There may already be shops & businesses in Commercial St but ¾ of the properties are residential & their occupants, quality of life will be affected detrimentally by a Bar opening on the street.

Presently, the police patrol Malton on Friday/Saturday nights, how are they going to police the increased drinkers in Commercial St as well? It will be much harder for them to provide cover for both areas at busy times & Norton is likely to lose out.

At weekends, police have been called to drunken men exposing themselves to passersby & drug paraphernalia discarded on Commercial St. This could possibly increase if this late-night drinking spot was approved, so I am objecting to it

Signed ...

[redacted signature]

Date

29/05/24

Re Planning application number ZE24/00465/FUL

recd 4/16/24

-----Detach & delete any that do not apply -----

I JARA FARRINGTON name Of. [redacted] ... address

Object to the licensing/planning application at 37 Commercial St, Norton because:

I feel the music/noise created by this establishment, being open until 11pm or 1am would have a detrimental impact on my home life/sleep & the enjoyment of local amenity for other residents.

I feel the increased traffic/taxis/cars with engines running that will be generated by the proposed bar would disturb residents & reduce residential parking facilities, that are already insufficient

I already find it intimidating when walking past the gangs of young men stood on the pavement outside Malinka Market who gesticulate & cat-call to women (especially very young girls) walking by. This is just going to increase late at night when they are fuelled by alcohol but stood outside the Bar at number 37 instead.

There are already 2x pubs/bars in the close vicinity, which should surely be enough? There may already be shops & businesses in Commercial St but ¾ of the properties are residential & their occupants, quality of life will be affected detrimentally by a Bar opening on the street.

Presently, the police patrol Malton on Friday/Saturday nights, how are they going to police the increased drinkers in Commercial St as well? It will be much harder for them to provide cover for both areas at busy times & Norton is likely to lose out.

At weekends, police have been called to drunken men exposing themselves to passersby & drug paraphernalia discarded on Commercial St. This could possibly increase if this late-night drinking spot was approved, so I am objecting to it

Signed [redacted] Date 28th May 2024

Re Planning application number ZE24/00465/FUL

recd
5/6/24

Page 61

I B. M. ROBERTSON name Of..



... address

Object to the licensing/planning application at 37 Commercial St, Norton because:

I feel the music/noise created by this establishment, being open untill 11pm or 1am would have a detrimental impact on my home life/sleep & the enjoyment of local amenity for other residents.

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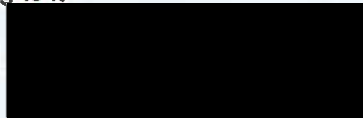
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Signed



..... Date 28th Dec, 2024

..... planning application number ZE24/00465/FUL

*recd
30/12/24*

I B. THISTRETON name Of. [redacted] address

Object to the licensing/planning application at 37 Commercial St, Norton because:

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Signed .. [redacted] Date 29/5/24

Re Planning application number ZE24/00465/FUL

*recd.
30/5/24*

[REDACTED]

From: sharon <[REDACTED]>
Sent: 25 May 2024 13:34
To: Licensing (RYE)
Subject: Application for late bar and music

Categories: TO FILE

Good morning/afternoon I would like to put an objection in for this licence to be allowed in commercial street as a resident of this street . Commercial street is already a busy street with 2 public houses in the area this application will lead to more noise pollution and is on a residential street .there are already disturbances on an evening from people leaving public houses and police are called often .. if this was passed would need security and police available in the area which we now don't have . This also will lower our property value in the street so i strongly object .. No Licence please ...

Miss sharon Kennard .

Sent from [Outlook for Android](#)

-----Detach & delete any that do not apply-----

I ~~S.H. DRUNKEN~~ name Of.

~~F NICK BIRCH~~

dress

Object to the licensing/planning application at 37 Commercial St, Norton because:

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Signed [redacted] Date 28/5/24

Re Planning application number ZE24/00465/FUL

recd 0015124

IMPORTANT INFORMATION ON A LICENSING APPLICATION IN COMMERCIAL STREET NORTON

At 37 Commercial Street (next to pharmacy) for Malinka Shwarma-Malinka Market LTD has applied to open a BAR & serve alcohol (with or without food) on the premises previously known as The Kitchen, with a beer garden at the rear. The requested license is for the following:

Licensable activities: Supply of alcohol.

Planning application number ZE24/00465/FUL

- performances of dance - location of activity at the premises: indoors only
- late night refreshment - consumption - on premises
- recorded music - location of activity at the premises: indoors only

Times of serving alcohol:

- Friday & Saturday between the hours of 10am & 1am
- Monday to Thursday & Sunday between the hours of 10am & 11pm

Performances of dance: Friday & Saturday between 11pm & 1am

Late night refreshment: Friday & Saturday between 11pm & 1am

Recorded music: Friday & Saturday between 11pm & 1am

If you wish to object to this application write to North Yorkshire Council Licensing Authority at Ryedale House, Old Malton Road, Malton YO17 7HH or by email to licensing.rye@northyorks.gov.uk Alternatively you can detach the form below & send it by the 6th of June



-----Detach & delete any that do not apply -----



I Ruth Williams Of... [redacted] ... address

Object to the licensing/planning application at 37 Commercial St, Norton because:

* I feel the music/noise created by this establishment, being open until 11pm or 1am would have a detrimental impact on my home life/sleep & the enjoyment of local amenity for other residents.

* I feel the increased traffic/taxis/cars with engines running that will be generated by the proposed bar would disturb residents & reduce residential parking facilities, that are already insufficient

* I already find it intimidating when walking past the gangs of young men stood on the pavement outside Malinka Market, who gesticulate & cat-call to women (especially very young girls) walking by. This is just going to increase late at night when they are fuelled by alcohol but stood outside the Bar at number 37 instead.

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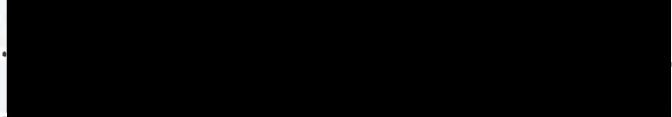
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* At weekends, police have been called to drunken men exposing themselves to passersby & drug paraphernalia discarded on Commercial St. This could possibly increase if this late-night drinking spot was approved, so I am objecting to it [redacted]

Signed Date 29/5/24

Recd 29/5/24

-----**Detach & delete any that do not apply**-----

I SIMON LUMLEY name Of.  address

Object to the licensing/planning application at 37 Commercial St, Norton because:

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Signed  Date 29th MAY 2024

Planning application number ZE24/00465/FUL

recd
30/5/24

[REDACTED]

From: Ocean Burdett [REDACTED]
Sent: 01 June 2024 13:31
To: Licensing (RYE)
Subject: Malinka Shwarma 37 Commercial Street, Norton, North Yorkshire, YO17 9HX

Follow Up Flag: Follow up
Flag Status: Flagged

To whom this may concern,

We are in no need of another shop in Norton Main Street. It is already starting to become a mess as there is people drinking in the street, in the day time and empty cans and bottles of alcohol just chucked on the floor, it's a disgrace the older generation are already scared to walk past the shops, and we will loose what the street used to be, a hub for the Norton community. Something needs to be done, as a fellow Norton man myself I think it is disgusting and a lot of others would agree.

Many Thanks,
Ocean Burdett,
2020 Property Management.

From: Ocean Burdett [REDACTED]
Sent: 04 June 2024 11:51
To: Licensing (RYE)
Subject: Re: Malinka Shwarma 37 Commercial Street, Norton, North Yorkshire, YO17 9HX

Follow Up Flag: Follow up
Flag Status: Completed

Good morning

Yes no problem

Ocean burdett

[REDACTED]

Many thanks
Ocean Burdett

2020 Property Management

> On 4 Jun 2024, at 11:48, Licensing (RYE) <licensing.rye@northyorks.gov.uk> wrote:

>

> Good Morning

>

> Thank you for your email. Please would you provide your full name and address to enable us to log your comments.

>

> Once the consultation period has ended, the application will be determined by the Statutory Licensing and Registration Subcommittee. We will forward more information about this process after the consultation.

>

> I have attached a representation form should you wish to expand on your comments further. This must be returned before 6 June 2024.

>

> Kind regards,

>

[REDACTED]

>

> Licensing Team

> Ryedale House

> Old Malton Road

> Malton

> YO17 7HH

>

> 01653 638 226 / 245 / 250

> licensing.rye@northyorks.gov.uk

>

> <https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.northyorks.gov.uk%2F&data=05%7C02>

-----Detach & delete any that do not apply-----

I 29 June name Of... [redacted]

Object to the licensing/planning application at 37 Commercial St, Norton because:

I feel the music/noise created by this establishment, being open untill 11pm or 1am would have a detrimental impact on my home life/sleep & the enjoyment of local amenity for other residents.

I feel the increased traffic/taxis/cars with engines running that will be generated by the proposed bar would disturb residents & reduce residential parking facilities, that are already insufficient

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At weekends, police have been called to drunken men exposing themselves to passersby & drug paraphernalia discarded on Commercial St. This could possibly increase if this late-night drinking spot was approved, so I am objecting to it

Signed ... [redacted] A Morley Date 29 May 2024
... planning application number ZE24/00465/FUL

recd 4/6/24

Page 70

PLANNING/LICENSING APPLICATION NUMBER: ZE24/00465/FUL

Change of use from café to restaurant with revised opening hours to include replacement roof & formation of raised decking area for Malinka Shwarma/ Ioana Aninaru at 37 Commercial Street, Norton, Malton

To whom it may concern

As a resident of Commercial Street, Norton, I am objecting to the planning & Licencing application to change the use 37 Commercial Street into a restaurant with revised and much later opening hours with an outdoor decked area at the rear of the property, for the following reasons:

1, Whilst I have no real objection to a restaurant opening at 37 commercial Street. I do strongly object to the proposed later opening hours of 11pm on weekdays & 1am on weekends, which I find excessive because of the likely noise from music & dancing that will be generated and also noise from customers when entering and leaving the property and this will cause a disturbance to me and other residents of Commercial Street.

2, There is also likely to be smokers & vapers stood outside the front of the premises for most of the evenings. Who are likely to cause a disturbance to me and other residents and cause an obstruction to other pavement users, especially wheelchair or disability scooter users. It is likely that the talking and laughing that these people would make when stood outside the front of the property, will be heard inside my home which I find totally unacceptable. Likewise, I would object to any tables & seating being placed outside at the front of the property. There have been concerns expressed on social media by other local people about feeling intimidated when having to walk past groups of young men congregating outside the front of Malinka Market shop during the daytime and I can understand why people would feel intimidate by this. As a woman, I myself always avoid walking ~~past them and stay on the other side of the street.~~

3, The licencing application indicates that alcohol can be served with or without food, which suggests to me that it is a bar which is being proposed rather than a restaurant. If it is going to be a restaurant then a table license would suffice, where alcohol can only be served along with food. I can see no reason why this type of license would not be adequate if the application is indeed for a restaurant as stated.

4, Although I would rather the business remained as a café, open during the daytime only. The proposed opening hours are excessive, and I think 10pm on weekdays and 11pm on weekends would cause less disturbance to local residents, if the business had to open on nights.

5, There is also likely to be much more traffic noise generated by the customers of this business, that will affect the amenity presently enjoyed by residents. Residential unrestricted parking is also an issue presently and this is only likely to be made worse by the opening of a restaurant in the vicinity.

6, Within the immediate vicinity of Commercial Street, there are already several outlets for drinkers, within a less than 5 min walk of 37 Commercial Street as it is. With two pubs, two social clubs and a restaurant, serving food and alcohol, plus Costcutter who sell alcohol to take away. I think allowing another business near-by will have a detrimental effect on these existing businesses which must already be suffering from the knock-on effect of the cost-of-living crisis. And if Costcutter did end up closing, we could lose our Post Office too. The two Social Clubs particularly fulfil a role in providing social, sporting and family events for all ages, which benefit the wider Norton community. It would

be a shame to see them close and the community lose such valuable local community assets, that are used by all to improve their mental health & wellbeing, not just drinkers. N.B. Bright Steels Social Club & The Railway Sports & Social Club are within 5 mins walk or less from 37 Commercial Street in Norton.

7, I am concerned about the expression of the 'performance of dance' on the licencing/planning application and I am unsure what this means but I would object if it was lap-dancing or pole-dancing etc as I think the small town of Norton is totally unsuited for this type of establishment. I am also concerned that this licencing application is the 'thin end of the wedge' and the business once established could be sold on to others who may then wish to apply for a sexual entertainment license.

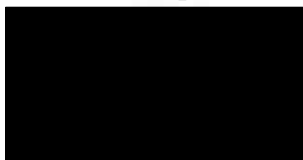
8, I object to the raised decking area at the rear of the property. This is likely to generate a great deal of extra noise from customers & music which will disturb my family and residents who live close by. I would request that if the planning is approved then it is on condition that music is not broadcast to the outside decking area with a further stipulation that the doors at the front and back are not to be left or propped open at any time during opening hours and fitted with self-closing dampers to ensure that they stay shut, when not being used for egress.

9, The council may not be aware that the rough ground behind the property, near the train line, which Aldi is hoping to build on, is the natural habitat of protected species- both crested newts, brown newts and also toads, where they hibernate overwinter. During spring, they migrate in large numbers and cross the main road to get into the ponds & back gardens of the houses on the opposite side of Commercial Street. They can often be seen on a night-time and occasionally the bodies of expired newts & toads can be found on the footpath & road whilst they were trying to make it across the road, to the ponds/still water, where they presumably mate. Are these amphibians also living in the back of 37 Commercial Street? What will happen to these when their natural habitat is covered by decking and customers?

10, The outside of the building at 37 Commercial Street is an absolute eyesore, that does need to be sorted out, whatever happens on the ground floor. The two flats above do not have any windows in them, and the top floor seems to have become a pigeon coop over the last couple of years. I would have thought that specialist cleaners with breathing equipment, would be needed to remove the guano-ammonia that must have accumulated up there. At the moment the front of the top floors are covered with membrane which is no longer fully attached to the building. This blows about in the wind and is a distraction for car drivers who are driving through the 20-mph speed limit. I would have thought it would be sensible, that any planning approval would include conditions for making improvements to the front of the remainder of the building, so it can be brought up to a reasonable aesthetic standard for all Norton residents.

Yours sincerely

Mrs Jackie Rudgard





NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference: Premises: 00331308
Job: 1299558

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: S Dargue

Tel: 01723 374433
Fax: 01723 500156

Email: [REDACTED]

21 May 2024

Dear Sir or Madam

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

The Occupier, 37 Commercial Street, Norton, YO17 9HX

LICENSING ACT 2003 LICENSING AUTHORITY CONSULTATION

Applicant: Malinka Malton Ltd

Type of Application: New Premise Licence

Premises: The Occupier, 37 Commercial Street, Norton, YO17 9HX

I refer to the recent consultation under the Licensing Act. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority OBJECTS to the issue of a licence.

As the premises are being altered, they should be subject a separate consultation under the Building Regulations. All matters pertaining to public safety are dealt with as part of the Building Regulations consultation.

We have no record of such consultation at the present time but the plan accompanying the licensing application does not comply with Fire Safety legislation.

The Occupier
37 Commercial Street
Norton
YO17 9HX

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/data/privacy-policies/.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/.

Any questions concerning this matter may be directed to the inspector named above.

Yours faithfully

Sarah Dargue

S Dargue