

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Friday, 16th August, 2024 commencing at 10.00 am.

Councillor Tim Grogan in the Chair plus Councillors Andy Paraskos and Andrew Lee

Officers present: Amy Ross - Regulatory Solicitor, Wan Malachi – Senior Licensing Enforcement Officer, Sharon Cousins – Licensing Manager (observer); and Dawn Drury – Democratic Services Officer

Copies of all documents considered are in the Minute Book

16 Election of Chair

Resolved:-

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

(Councillor Tim Grogan in the Chair)

17 Apologies for Absence

There were no apologies for absence.

18 Disclosures of Interest

There were no declarations of interest.

19 Procedure for Licensing Hearings

The attached procedure was noted.

20 Harrogate Town AFC Limited - Application to vary a Premises Licence

The Sub-Committee considered the report of the Corporate Director of Environment which sought determination of a variation of a premises licence application in respect of The Environment Stadium, Wetherby Road, Harrogate, HG2 7RY.

The Senior Licensing Enforcement Officer introduced the report which had been circulated to all parties, and explained that the application was for the variation of the following licensable activities:

a) The addition of Late Night Refreshment:
Monday to Sunday 23:00hrs until 00:30hrs

b) To amend opening hours from:
Monday to Sunday 10:00hrs until 23:30hrs

To:

Monday to Saturday 11:00hrs until 00:00hrs
Sunday 11:00hrs until 23:30hrs

- c) To amend the current plans to reference (000)264 to include Bar 4 and rename all bars:
Black Sheep Terrace to Bar 1
Main Stand East to Bar 2
Hospitality Bar to Bar 3
South Stand Bar to Bar 4
- d) To amend current condition agreed with North Yorkshire Police from:
The Spectator Bar (Northeast Stand) and Black Sheep Terrace Stand will only be open on match days specifically as follows, maximum of 4 hours before the sporting event and a maximum of two hours after the event finishes.
To:
Bar 1 and Bar 4 will only be open on match days specifically as follows, maximum of 4 hours before the sporting event and a maximum of two hours after the event finishes.
- e) To amend the current Annex 2 conditions consistent with the operating schedule and rename bars from Clubhouse and Chairmans Suite to Bar 2 and Bar 3 respectively.
- f) To remove conditions on current premises licence detailed in Appendix 4 and replace with conditions detailed in Appendix 5.

The Senior Licensing Enforcement Officer confirmed that all statutory requirements had been complied with, and that no representations were received from responsible authorities, however six representations had been received from other persons on the objectives of prevention of public nuisance and noise.

Members asked a number of questions regarding the six representations received; whether there had been any interaction between those making the representations and the football club, whether the officer agreed that some issues were not covered by the four licensing objectives (such as planning aspects etc.), if those who had made representations had been invited to this Sub-Committee hearing, and if there was any reason that none of the representors had attended the hearing today. The Senior Licensing Enforcement Officer responded that the club had provided responses to those who have made representations, however, that he was not privy to any correspondence that was made directly between the club and those making representations. He agreed that issues such as concerns relating to planning or parking matters, were not relevant. The officer confirmed that each representor had been invited to today's hearing, that they had been provided with a report pack; and that one representor had confirmed that they could not attend due to other commitments, but that no other responses had been received from any of the other objectors.

Submission by the Applicant

Ms Barry, CEO of Harrogate Town AFC Limited, addressed the Sub-Committee on behalf of the applicant, and explained that the existing licence was outdated and was issued roughly 19 years ago, therefore it needed to be brought up to date with the current facilities.

Ms Barry went on to explain that, whilst it was not a known fact, since being promoted to English Football League ("EFL"), the club must comply with EFL rules – for example – it was necessary to have a stadium capacity of 5000 people, including 2000 seats. As the facilities the club had prior to this were not significant enough for the provisions of refreshments and toilets, in line with that, work was completed in late November 2023. Ms

Barry informed the Sub-Committee that the club must provide refreshments for both home and away supporters, and apart from anything else, it was to give a pleasant match day experience. For any sporting/public venue one would expect to have refreshments.

Ms Barry stated that the club has submitted photographs of Bar 4 with this questionnaire, that has replaced the old "1919" bar, which had been used for private hire functions and that had now been removed. Ms Barry highlighted to the Sub-Committee that Bar 4 was very basic in its looks, and had no kitchen, tables or chairs. Ms Barry described that it was simply a bar with shelving around the outside, not lending itself to any private functions as it was not the purpose of that bar.

In terms of the supporters divide ratio, Ms Barry explained that as a rough estimate, and depending game on game, the ratio was around 75% home supporters and 25% away supporters. Ms Barry told the Sub-Committee that she was referring to Bar 4 in the main because that was the bar in particular which was most in question with local residents as it was a replacement for the old 1919 bar. Ms Barry explained that the maximum capacity for Bar 4 was 110 people, which had been submitted in the risk assessment, it was heavily stewarded and monitored and the club would not exceed that capacity for safety reasons.

Regarding the opening hours of Bars 1 and 4, Ms Barry explained that although the club had applied for a licence which suggested opening 4 hours before matches and remaining open for 2 hours after, the reality was that it would be 1.5 hours before a match for supporters that the turnstiles would open, and that the bar would be closed after half time, so there would be a very reduced amount of time for supporters to come in and have any alcohol, which was the main concern for some of the residents. In addition, the club has put in mitigating factors – for example – not to allow people in who were clearly intoxicated. Ms Barry stated that the club monitored alcohol consumption and behaviour in all of the bars for both home and away supporters.

Ms Barry stated that the club had not applied for any extension for the sale of alcohol, and that there was the potential for the misunderstanding of "late night refreshments". The club had reviewed the 'Home Office' definition of late night refreshments, which stated that it involved the supply of hot food and hot drink between the hours of 11:00pm to 05:00am. Ms Barry explained that this would be to take into account things outside of the club's control, for example, a late kick off time that resulted in a late finish time. Ms Barry explained that the club has officials and clubs travelling from all over the UK, and that once the final whistle was blown, they must get changed, have showers, and have food and drink before leaving. Ms Barry stated that there could also be circumstances such as, for example, a road traffic accident outside the stadium which would mean that officials/players/visitors etc. would not be able to leave the premises. Ms Barry explained that the club takes a dynamic risk assessment, and that there would be times when it was not appropriate to allow people to leave the stadium, describing an incident last year whereby there was a road traffic accident on Wetherby Road and the kick off time was delayed. Ms Barry further explained that the club would make a decision in that event if it became too late to start a game, and that it would just not go ahead, therefore it would never go into the early hours of the morning.

Ms Barry informed the Sub-Committee that there was a safety view for having bars open before games start. Before the building works were completed, Ms Barry explained that the club did not have any bars open, and it had caused more problems because supporters were using public houses in and around the grounds and coming into the grounds much later, turning up much closer to kick off time because the club had not got those facilities. The impact of this was that it was more of a problem to manage due to supporters being outside of the stadium. Having facilities inside the stadium meant that the club was able to manage the flow of people coming in quickly and safely.

Ms Barry explained that with the club's previous licence, Bar 4 (which was the 1919 bar previously and located nearest to the residential area), was hired out for private use

around 15 times per year. The Designated Premises Supervisor (DPS) added that it was open 7 days per week, with conferences taking place during the day, with parties at night on Fridays, Saturdays and Sundays, and was open until midnight. The DPS explained that the club could approve up to 15 times if customers wanted extended parties. Prior to covid, it was explained that there would be 70 – 80 events per year that involved serving alcohol, since then, the club had not held any events in that area. Ms Barry added that the club had not applied for, and indeed had no intention of using the area for private hire events now at all, and therefore the circumstances had changed for the better for the residents.

Ms Barry informed Members that there was a report on social media that she felt misquoted her, as it described her as saying that the use of alcohol outside the venue was allowed, and that was not something that she had ever said. Ms Barry explained she had not picked that up with the source directly yet as she did not feel it appropriate until this Sub-Committee hearing had taken place.

Finally, Ms Barry stated that the other conditions to be added outlined all the safety measures that the club had put in place to mitigate and cover the concerns around the four licensing objectives. Ms Barry explained that the club was currently operating under temporary licences, having received no complaints under any of those that the club was aware of. The DPS added that the club had applied for a Temporary Event Notice for Bar 4, that they have only hosted around 14 occasions since the bar had been opened and that there had been no issues so far.

In response to a query from the sub-Committee as to whether the applicant had had any contact with those who had made representations, Ms Barry stated that complaints that they had received were redacted and therefore they did not necessarily know who the complainants were. It was further explained that she had received one email from a resident who had written on behalf of several residents, and that she had responded to this email in the same way she has answered previously in terms of any concerns, but that she had not received a response. Ms Barry further stated that she had had some dialogue with some of the complainants before this application was made, and has had residents' meetings on two occasions, but not for this particular application. She explained that the club had offered to each of the six complainants in this case for them to have a conversation with the club directly so that the club could clarify what they were trying to do with this application, but that no one had taken them up on this offer.

Regarding the occupancy for Bar 4, of 110 people, Members asked how many doors Bar 4 had, to which Ms Barry stated there were two exits.

In response to whether there had been any involvement with the Police since the club had been elevated to the English Football League, Ms Barry confirmed there had been none.

Members asked the DPS what experience he had in the field, and if he had taken a new exam or whether he had grandfather rights. The DPS explained that he had been involved with the club for the last 16 years, and that he had a lot of experience with football generally, having visited 85 to 95 different grounds around the country and abroad, following football and going to away games. In addition, he had worked in bars from the age of 18, as a bar supervisor, or manager. It was also confirmed that he had taken a new exam.

In response to another question regarding whether the club had signage regarding respecting the needs of neighbours when exiting the premises, to the DPS explained that the club did previously have this, but since the new build there was none, but that they needed to do this. The Senior Licensing Enforcement Officer added that there was, in fact, a condition on the licence regarding this which would remain on the licence.

Members queried if the personnel at the club, for example fire wardens and stewards, and

those personnel who managed the operation of the club were Security Industry Authority (SIA) trained, to which the DPS responded that the stewards were SIA trained and under the guidance of the club's safety officer. He went on to explain that the club had to provide evidence of that to the EFL, as they all have a unique reference number.

In terms of upholding the licensing objectives, it was queried if the club had any signage regarding the use of drugs, to which the DPS responded that they categorised certain games with the Police and that the club had an amnesty bin outside on every match day, and failing that, they also had a drugs dog outside.

As most issues seemed to come from local residents, it was queried there was any soundproofing at the back of the club to reduce noise, Ms Barry replied that this was one of the conditions for the bigger scheme that the club was required to adhere to, and therefore it had been built with that in mind, however, it was difficult to mitigate noise fully for those who lived next to a football ground.

Ms Barry confirmed there was no off-sale of alcohol, open vessels were not allowed outside the premises, and all consumption was kept within the bars. It was further confirmed that alcohol was not allowed in view of the pitch, and that even within the hospitality suite the club kept the blinds closed. Ms Barry went on to explain that the club was now covered on various television channels including ITV, BBC and Sky who all had media rights for the EFL, and that the club would be televised up to 20 times this year, therefore the club wanted to be a role model club for the EFL.

In a question to the Senior Licensing Enforcement Officer as to whether the licensing team had received any complaints about the site recently, it was explained that the last complaints received were in 2022 and were regarding light and noise, but that the issues had been resolved satisfactorily.

Finally, Members queried if there was no exit from Bar 4 to the residential area, as the club had outlined a condition that they expected everyone to leave via Wetherby Road, the Applicant explained that they had to separate the home and away supporters, but that they leave via Wetherby Road from the stadium.

The meeting was adjourned to allow Members to deliberate the application.

The Sub-Committee considered the report from the Director of Environment including appendices 1 – 12, all written and oral representations from all parties, whilst also taking into account the Licensing Act 2003, the Secretary of State Guidance issued under section 182 of the Licensing Act 2003, North Yorkshire Council's Statement of Licensing Policy, and the promotion of the licensing objectives.

- i) Members noted that all new licence conditions had been agreed with the Licensing Authority, with no representations having been made by either North Yorkshire Police or the Council's Environment Health department.
- ii) The Sub-Committee noted that this application was to vary an existing Premises Licence and noted the current terms of the Premises Licence.
- iii) The Sub-Committee had regard to the proximity of the premises to the residential street of St Nicholas Road in particular but considered that the proposed changes would not undermine the four licensing objectives.
- iv) The Sub-Committee appreciated the concerns raised around traffic and parking; however, it was noted that highways matters were not a licensing consideration.
- v) The Sub-Committee considered that the majority of the objections received were not relevant to the application, and that they were satisfied that the club was promoting all four licensing objectives with the conditions that were in place.

Resolved-

The Sub-Committee resolved unanimously to grant the premises licence variation as requested in the application.

The meeting concluded at 10.41 am.