

Council Offices
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SKIPTON
North Yorkshire
BD23 1FJ



D Singh
Main Street
Cross Hills
Nr Keighley
BD20 8TT

Telephone: 01756 706251
Email: licensing.cra@northyorks.gov.uk

Please address correspondence on this matter to:
Tim Chadwick – Licensing Manager

4 April 2023

Dear Mr Singh

RECEIPT OF YOUR REPRESENTATION

We are in receipt of your objection for the application to grant a premise licence for The Funky Monkey, 51 Main Street, Cross Hills, BD20 8TT.

The application has been made for the Grant of Premises Licence for the Retail Sale of Alcohol for consumption both on and off premises Monday to Saturday 12:00 to 23:00 and Sunday 12:00 to 20.30. The opening hours applied for match the opening times plus half an hour later to allow for 'drinking up' time.

What happens next

We must now put your objection to the applicant to see if they can address any of the concerns raised. The applicant can address concerns in a number of ways i.e. either by reassuring you, offering up additional conditions or modifying the proposed operating schedule. It is the role of Licensing Officers during the process to assist both parties in trying to find a resolution to the concerns raised.

For information, the applicant has offered up conditions to promote the licensing objectives (see attached) and these will be imposed on the premises licence, if issued. A breach of licence conditions can lead to an unlimited fine, six months imprisonment, or both in respect of each offence.

When Planning was applied for (by way of change of use), they also imposed certain conditions and the poignant points from that Planning Decision Notice (Ref: 2022/24314/FUL dated 12th October 2022) are also attached. Whilst Planning and Licensing are separate regimes so these points will not appear as conditions on the licence, the applicant is bound to comply with all statutory conditions (i.e. both Planning and Licensing).

If this doesn't satisfy your concerns and you can suggest any ways in which your concerns for the application can be reduced, we can put these to the applicant.

If you and the applicant can reach an agreement, then the application will be modified to match that agreement and the application can progress.

However if no agreement can be found and the objection is not withdrawn during the consultation period ending on **13th April 2023** then a hearing will be called and you will be invited to attend. This must be held **within 20 working days** of the close of the consultation and you will be invited to attend to address members of that sub-committee. In this case the application will be determined by Councillors and not officers. Councillors may only consider concerns that would undermine the licensing objectives that the licence holder has control over. I will send you separate correspondence regarding this by post.

Licensing Application

As part of this process the application has been served on the following statutory consultees.

- North Yorkshire Fire & Rescue
- North Yorkshire Police
- Environmental Health including Health & Safety
- Planning Authority*
- Local Children and Young person services
- Trading Standards
- Public Health

*It is important to note that licensing and planning are separate systems of regulatory control. Licensing committees are not bound by decisions made by the planning committee and vice versa.

No objection has been received by any responsible authority. North Yorkshire Police have agreed additional conditions with the applicant (incorporated in the attached) and we understand Environmental Health will comment that they have no concerns with the application due to the conditions imposed under the Planning regime.

During the consultation period if no objection is made or if all objections are resolved the Licensing Authority must grant the application. Should an objection remain unresolved following the close of the consultation period (i.e. after 13th April in this case) then the matter must be referred to a Licensing Appeals Sub-committee for determination.

The licensing authority cannot take into account the need of the premise in the vicinity as this is a matter for planning and the 'market'.

When considering the application the Licensing Authority may only consider the application on if granting the application would undermine one or more of the 4 Licensing Objectives

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

Matters raised

The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from a licensed premises and therefore beyond the direct control of the licence holder. Nonetheless it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy. If a licence is granted, anti-social behaviour away from the premise must be reported to the police. It is expected that licence holders in any event will work to assist in reducing nuisance and anti-social behaviour that is a result of their premise.

Right to review

Under the Licensing Act 2003, any person or responsible authority may apply to the Council to have a premises licence under the Act reviewed, if it is believed that one or more of the licensing objectives is being undermined by the current use of that licence. Licence reviews are a powerful tool for dealing with potentially problematic licensed premises. The power is generally to be used as a last resort, when other measures have failed to address concerns with the venue in question.

Additional useful information

Information on representations – please see enclosed.

The Government does issue national guidance on 'The Act', which you may find beneficial - Revised guidance issued under section 182 of Licensing Act 2003 found here:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003->

The legislation for the Licensing Act can be found here:
<https://www.legislation.gov.uk/ukpga/2003/17/contents>

The Council's Statement of Licensing Policy can be found here: [Statement of alcohol and entertainment licensing policy | North Yorkshire Council](#)

Finally

Should you require further clarification or advice around the points raised please don't hesitate to contact me either by email: licensing.cra@northyorks.gov.uk or via telephone 01756 706251 and I will be happy to help and advise further to assist you during this process.

We have tried contacting you by telephone today but were unable to get an answer. We are also unable to read your email address, hence why we have written to you.

Yours sincerely



Tim Chadwick
Licensing Manager
North Yorkshire Council (Skipton)