

North Yorkshire Council
Statutory Licensing Sub-Committee

Thursday 13 July 2023

1858 Bar and Restaurant - Application for a New Premises Licence

Report of the Corporate Director of Environment - Karl Battersby

1.0 PURPOSE OF REPORT
1.1 The purpose of this report is to determine a premises licence application under the Licensing Act 2003.

2.0 BACKGROUND

2.1 An application for the grant of a premises licence has been made by 1858 Bar and Restaurant, 42 High Street, Knaresborough, HG5 0EQ. A copy of the application and associated plan is attached at appendix 1.

2.2 The applicant is Jaime Roy Wilkinson, Mires Cottage, Low Moor Lane, Scotton, Knaresborough, HG5 9JB.

2.3 The application is for the following licensable activities:

Sale by Retail of Alcohol, Late Night Refreshment, Live Music, Recorded Music,

Sale by Retail of Alcohol

Monday to Sunday 1000hrs until 0000hrs

Late Night Refreshment

Monday to Sunday 2300hrs until 0000hrs

Live Music

Thursday to Saturday 1200hrs until 2300hrs

Recorded Music

Monday to Sunday 0800hrs until 0000hrs

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

Non-Standard Timings

Sale by retail of alcohol, Live music & recorded music:

- Christmas Eve (24th December)- 0800hrs until 0200hrs
- New Year's Eve (31st December)- 0800hrs until 0200hrs
- National Bank Holidays (Various)- 0800hrs until 0200hrs

Late night refreshment:

- Christmas Eve (24th December)- 2300hrs until 0200hrs
- New Year's Eve (31st December)- 2300hrs until 0200hrs
- National Bank Holidays (Various)- 2300hrs until 0200hrs

3.0 PROMOTION OF LICENSING OBJECTIVES

3.1 Section 4 of the Licensing Act 2003 places a duty on the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

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

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

4.0 REPRESENTATIONS

4.1 No representations were received from Responsible Authorities.

4.2 A number of additional conditions were proposed by North Yorkshire Police to promote the licensing objectives. These conditions are attached at appendix 4.

4.3 The applicant has agreed to all the conditions requested by North Yorkshire Police and these will form part of the operating schedule. This correspondence is attached at appendix 4.

4.4 There have been five representations received from other persons which are attached at appendix 5.1 to 5.5.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 Not applicable

6.0 FINANCIAL IMPLICATIONS

6.1 Not applicable

7.0 LEGAL IMPLICATIONS

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

8.0 EQUALITIES IMPLICATIONS

8.1 An Equality and Diversity Impact Assessment has been undertaken and the impact of this proposal on race, disability and gender equality in the local community or in the Council is set out below.

8.2 No risks were identified.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 Not applicable

10.0 POLICY CONSIDERATIONS

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

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

OTHER CONSIDERATIONS

10.2 The following sections of the Guidance issued under section 182 of the Licensing Act 2003 (updated April 2018) issued by The Secretary of State for Culture, Media and Sport are relevant in considering the licensing objectives in relation to this application:

- Crime and disorder Section 2.1
- Public safety Section 2.7
- Public nuisance Section 2.15
- Protection of children from harm Section 2.22

11.0 HUMAN RESOURCES IMPLICATIONS

11.1 Not applicable

12.0 CONCLUSIONS

12.1 An application has been made for the grant of a premises licence by 1858 Bar and Restaurant, 42 High Street, Knaresborough, HG5 0EQ. Conditions agreed with North Yorkshire Police will form part of the conditions proposed in the operating schedule.

12.2 There are five representations from interested parties for the Sub-Committee to consider, attached at Appendix 5.1 to 5.5.

13.0 RECOMMENDATION

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

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

APPENDICES:

- Appendix 1 – Copy of application and plan
- Appendix 2 – Mandatory Conditions imposed under Licensing Act 2003
- Appendix 3 – Plan of premises vicinity
- Appendix 4 – Agreement to conditions proposed by North Yorkshire Police
- Appendix 5.1 – Representation from other person
- Appendix 5.2 – Representation from other person
- Appendix 5.3 – Representation from other person
- Appendix 5.4 – Representation from other person
- Appendix 5.5 – Representation from other person

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5 July 2023

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Presenter of Report: Gareth Bentley, Food, Licensing and Occupational Safety Manager

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