

**Statutory Licensing Committee**  
**15 August 2023**

**Title: Determination of a Variation Application to existing Premises Licence  
PL0857 which relates to The Hop & Vine, 111 Keighley Road, Cowling, BD22  
0BE (“the Premises”)**

**1.0 Purpose of Report**

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

**2.0 Background**

- 2.1** An application to vary a premise licence by the Premise Licence Holder, Stephen Davy (Mr Davy). The variation application can be seen at **Appendix A**. The plan of the premises (which is not subject to variation in this application) can be seen at **Appendix B**. A Premises Licence, has been held since 1 April 2020. Site photographs of the Premises and location can be seen at **Appendix C**.
- 2.2** The applicant previously applied for a variation to the premises licence and this was heard by a Sub Committee on 1st December 2022. That determination can be seen at **Appendix D**. Members must note that this is a fresh application and should be considered on the merits of this application.
- 2.3** A copy of the current premise licence authorisations can be seen at **Appendix E**. This application has been made to make a variation of;

**Sale by retail of Alcohol (ON Consumption)**

- Monday to Saturday 1200-2245

The Premise Licence Plans at Appendix B shows the licensable area of the premises, outlined in red. This shows where the licensable activity is permitted to take place for ON consumption.

**Opening Hours of the Premise to the Public**

- Monday to Saturday 1200-2300

Note: Members will be aware that under the Live Music Act 2012, most regulated entertainment is deregulated. For this application the relevant exemptions are: No authorisation is required to stage a performance of live music, or the playing of recorded music if it takes place between 08:00hrs-23:00hrs and the audience is not more than 500 people. Additionally, no authorisation is required between those

hours for unamplified or amplified music. Amplified music is restricted to an audience of 500 people.

**2.4** No changes are proposed to the existing conditions on the licence. However, in the variation of the application, the applicant has offered up the following additional conditions to promote the licensing objectives;

- Rear doors and windows to remain shut during music or other entertainment is taking place.
- No children under 16 years of age will be allowed within the licensed area of the premises after 21:00 hrs.

This is in addition to the conditions already embedded on the current premises licence (See **Appendix E**, pages 5 and 6)

### **3.0 PROMOTION OF LICENSING OBJECTIVES**

**3.1** The Sub-Committee is requested to consider the Premises Licence variation application in respect of the premises with a view to promoting the licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm.

**3.2** In determining this application, the Sub-Committee must have regard to the representations and take such steps as outlined in paragraph 3.3 it considers appropriate for the promotion of the licensing objectives.

**3.3** The steps are:

- a. to grant the variation as applied for, subject to conditions consistent with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under section 19, 20 or 21 (mandatory conditions) be included in the licence;
- b. to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c. to reject 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 Craven District Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

## **4.0 CONSULTATION**

- 4.1** The application has been served on the Responsible Authorities as defined by the Licensing Act 2003.
- 4.2** The application has been advertised in the form of a Public Notice in the Craven Herald dated 29 June 2023, and by way of the required statutory blue notice at the property. Additionally, the application was published on the Council's website.

## **5.0 REPRESENTATIONS**

- 5.1** Planning Enforcement submitted an objection on the hours applied on the basis it did not match the planning regime. Although there is no obligation for the hours to match under the two regimes, when informed of Planning's comment, Mr Davy determined to change amend his application so the end of retail sale of alcohol time on Sundays (including Bank Holidays) so that it remained at 21:00 to match permitted Planning times. Planning Enforcement were informed. (see **Appendix F**).
- 5.2** North Yorkshire Fire Service responded on 23 June 2023 to say they had no objections (see **Appendix G**).
- 5.3** North Yorkshire Police responded on 23 June 2023 to say they had no objections (see **Appendix H**).
- 5.4** Environmental Health responded on 18<sup>th</sup> July (see **Appendix I**).
- 5.5** Two public representations were received **Appendix J** included 3 videos (**Appendix K, Appendix & L Appendix M**). The Second Public Objection **Appendix N** included one video (**Appendix O**) The videos have been made available for viewing prior to the Sub-Committee and will be available to view during the Sub-Committee.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1** Not applicable

## **7.0 LEGAL IMPLICATIONS**

- 7.1** As a relevant representation has been received, the Sub-Committee must hold a hearing to consider the representation and, having regard to the representation, determine the Premises Licence application.
- 7.2** The Sub-Committee must have regard to the promotion of the four licensing objectives, namely, the prevention of crime and disorder; public safety; the

prevention of public nuisance and the protection of children from harm in exercising its functions under the Act.

**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 in exercising its functions under the Act.

## **8.0 RIGHT OF APPEAL**

**8.1** Schedule 5 of the Act gives a right of appeal to the applicant and to any person who has made a relevant representation.

**8.2** Any appeal must be made to the Magistrates Courts and must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

**9.1** Not applicable

## **10. POLICY CONSIDERATIONS**

**10.1** Craven's Statement of Licensing Policy (2022 – 2027) remains in place by operation of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008. The following sections of that Policy are relevant in considering the licensing objectives in relation to this application.

- Anti-social behaviour - Part 4, Page 11
- Nuisance and Environment - Part 4, Page 12
- Children - Part 4, Page 17
- Licensing hours - Part 4, Page 11
- Operating Schedule - Part 6, Page 23 & 38 –
- Conditions Part - 11, Page 28

## **11.0 SECTION 182 GUIDANCE**

**11.1** The following sections of the statutory guidance issued under section 182 of the Licensing Act (Updated July 2023) are relevant in the licensing objectives in relation to this application;

- Crime and Disorder – Section 2.1 – 2.6 Page 4
- Public Nuisance – Section 2.20 – 2.26 Page 9
- Beer Gardens – Section 16.42-16.44 Page 145

## **12.0 Recommendation**

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

- a. to grant the variation as applied for, subject to conditions consistent with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under section 19, 20 or 21 (mandatory conditions) be included in the licence;
- d. to exclude from the scope of the licence any of the licensable activities to which the application relates;
- e. to reject the application.

Report Author – Emma Hayton, Assistant Licensing Officer, Skipton Office

Presenter of Report – Emma Hayton

### **Background Documents:**

Craven District Council Statement of Licensing Policy 22<sup>nd</sup> February 2022 [Statement of alcohol and entertainment licensing policy | North Yorkshire Council](#)

Section 182 Guidance Updated July 2023 - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

### **Appendices:**

- Appendix A – Variation Application
- Appendix B – Plan of licensable area
- Appendix C – Photographs of premises
- Appendix D – Decision Notice from previous licensing hearing 01.12.22
- Appendix E – Current Premises Licence
- Appendix F – Response From North Yorkshire Council Planning
- Appendix G - Response from North Yorkshire Fire service
- Appendix H – Response from North Yorkshire Police
- Appendix I - Response From North Yorkshire Council Environmental Health
- Appendix J - Public Representation 1
- Appendix K - Public Representation Video - 1
- Appendix L - Public Representation Video - 2
- Appendix M - Public Representation Video - 3
- Appendix N – Public Representation 2
- Appendix O – Public Representation Video – 4