

North Yorkshire Council

Statutory Licensing Sub-Committee

Thursday 24 August 2023

Crimple Hall Garden Centre - Application for variation of a 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 variation of a premises licence under the Licensing Act 2003.

2.0 BACKGROUND

2.1 An application for the variation of a premises licence has been made by Crimple Ltd, Leeds Road, Harrogate, HG3 1EW, company number 02725582. A copy of the application and associated plan is attached at appendix 1.

2.2 The applicants are Graham Watson and Tori Watson.

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

Sunday to Thursday 0800hrs until 2330hrs

Friday and Saturday 0800hrs until 0200hrs

Live Music

Sunday to Thursday 0800hrs until 2330hrs

Friday and Saturday 0800hrs until 0200hrs

Recorded Music

Sunday to Thursday 0800hrs until 2330hrs

Friday and Saturday 0800hrs until 0200hrs

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.

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 One representation was received from North Yorkshire Council's Environmental Protection Team on the objective of public nuisance.

4.2 This representation is attached at appendix 5.

4.3 The applicant has accepted the Environmental Protection representation in full and agreed to the conditions contained within the representation. This correspondence is attached at appendix 6.

4.4 There have been three representations received from other persons which are attached at appendix 7.1 to 7.3

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 variation of a premises licence by Crimple Ltd, Leeds Road, Harrogate, HG3 1EW. Conditions agreed with North Yorkshire Council's Environment Protection Team will form part of the conditions proposed in the operating schedule.

12.2 There are three representations from interested parties for the Sub-Committee to consider, attached at Appendix 7.1 to 7.3.

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 – Copy of current premises licence
- Appendix 5 – Representation from North Yorkshire Council Environmental Protection Team
- Appendix 6 – Agreement and withdrawal of Environmental Protection representation
- Appendix 7.1 – Representation from other person

Appendix 7.2 – Representation from other person
Appendix 7.3 – Representation from other person

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16 August 2023

Report Author: Wan Malachi, Licensing Enforcement Officer
Presenter of Report: Wan Malachi, Licensing Enforcement Officer

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