

North Yorkshire Council

Statutory Licensing Sub-Committee

27 February 2024

Application for the Grant of a Premise Licence, Sfizio, 17 Newmarket Street, Skipton BD23 2HX

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination by the Statutory Licensing, Sub-Committee of an application for the grant of a Premise Licence (Licensing Act 2003 'the Act')

2.0 SUMMARY

- 2.1 An application for the grant of a premise licence has been made by Jane Abruzzese and Catherine Boland for a premise to be known as Sfizio. The premise is located at 17 Newmarket Street, Skipton BD23 2HX. The Application and plans are attached at **Appendix A**.
- 2.2 A consultation of the application took place between 18 January–14 February 2024.
- 2.3 The application has been served on the responsible authorities.
- North Yorkshire Police
 - North Yorkshire Fire and Rescue Authority
 - North Yorkshire Council Environmental Health
 - North Yorkshire Council Environmental Health Safety at Work
 - North Yorkshire Council Planning
 - North Yorkshire Council Children and Young Persons
 - North Yorkshire Council Trading Standards
 - Public Health
 - Home Office Immigration
- 2.4 The applicants have complied with Regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 by displaying a blue notice for 28 consecutive days at the premise and advertised in a local news circular.
- 2.5 The application is for the following licensable activities.

Retail sale of alcohol (ON/OFF)

Monday to Sunday – 0900–2100hrs

Seasonal variation: 0900-2200hrs May, June, July and August

Christmas Eve, New Year's Eve and English bank holidays (Saturdays and Sundays only)
0900-2200hrs

Hours open to the public

Monday to Sunday – 0900–2130hrs

Seasonal variation: 0900–2230hrs May, June, July and August

Christmas Eve, New Year's Eve and English bank holidays (Saturdays and Sundays only)
0900-2230hrs

3.0 Promotion of Licensing Objectives

3.1 Section 4 of 'the Act' 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 North Yorkshire Council Environmental Health made comments regarding the application which resulted in agreements with the applicants to impose 6 conditions should the licence be granted, further information on this is contained at 4.4 of the report.

4.2 There has been two objections from other persons which are attached at **Appendix B - C**. Members should note that some of the grounds for the representations may not directly relate to the licensing objectives, but the full representations have been included in the interests of openness and transparency.

4.3 As part of the application, **Appendix A**, the applicants at section M have offered up conditions to promote the Licensing Objectives. These conditions along with those agreed with Environmental Health would become enforceable conditions. Breach of a licence condition can lead to an unlimited fine, six months imprisonment or both for each breach.

4.4 A draft version of how the proposed conditions would be worded if the licence was granted including those agreed with Environmental Health can be seen at **Appendix D**. These do not include the mandatory conditions to which all licences must adhere to.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All of the Sub-Committee's options are outlined under the "Recommendations" at 12.0 of the report. No alternative options are available.

6.0 FINANCIAL IMPLICATIONS

6.1 The costs involved in administering the Licensing Act 2003 are set in statutory legislation.

6.2 The applicant or interested parties has a right of appeal to the Magistrates' court against any decision made.

7.0 LEGAL IMPLICATIONS

7.1 As a relevant representation has been received, the Sub-Committee must hold a hearing to consider the representations and, having regard to the representation, determine the premise licence application.

7.2 The Sub-Committee must have regard to the promotion of the four licensing objectives in exercising its functions under the Licensing Act 2003.

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 exercising its functions under the Act.

7.4 The applicants or interested parties have a right of appeal to the Magistrates' Court against any decision made within 21 days of receiving notification of the decision.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 No Climate change implications have been identified.

9.0 POLICY IMPLICATIONS

9.1 Craven District Council 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
- Licensing hours – Part 4, Page 11
- Nuisance and Environment - Part 4, Page 12
- Conditions Part – 11, Page 28
- Operating Schedule – Part 6, Page 23 & 38

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

- Licence conditions – 1.16 page 8
- Crime and disorder – 2.1 page 10
- Public safety - 2.8 page 11
- Public nuisance - 2.21 page 14
- Protection of children from harm - 2.22 page 15
- Plans - 8.34 page 64
- Beer gardens or other outdoor spaces – 8.35 page 64
- Planning – section 8.97, 9.41 page 74 and 85

10.0 EQUALITIES IMPLICATIONS

10.1 No equalities implications have been identified for this matter.

11.0 REASONS FOR RECOMMENDATIONS

11.1 In accordance with section 18 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the application and any relevant representations.

11.2 The Sub-Committee must, having had regard to the application and any relevant representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

12.0 RECOMMENDATION(S)

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

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

- i) Grant the Licence as applied for with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any conditions which must under section 19,20 or 21 (mandatory conditions) be included in the licence.
- ii) To exclude from the scope of the licence any of the licensable activities the application relates
- iii) To refuse to specify a person in the licence as the premises supervisor
- iv) 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 its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

APPENDICES:

- Appendix A - Application
- Appendix B - Skipton Town Council Objection
- Appendix C - Providence Place Objection
- Appendix D - Draft version of conditions

BACKGROUND DOCUMENTS:

Craven District Council – Statement of Licensing Policy 2022-2027
Section 182 Guidance (Home Office), Licensing Act 2003

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton
16 February 2024

Report Author – Tim Chadwick – Area Manager
Presenter of Report – Tim Chadwick

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