

**North Yorkshire Council**  
**Statutory Licensing Sub-Committee**

**26 April 2024**

**La Feria - Application for the variation of a Premises Licence**

**Report of the Corporate Director of Environment**

**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 variation of a premises licence has been made by Whaddy Know? Limited trading as La Feria, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA. A copy of the application and associated plan is attached at **appendix 1**.
- 2.2 The applicant is Jeremy Verity, Whaddy Know? Limited, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA, company number 08131232.
- 2.3 The premises are described as a bar/restaurant; the building set back from Cold Bath Road in Harrogate with an outdoor dining provision. A plan of the premises vicinity is attached at **appendix 3**.
- 2.4 The premises have submitted Temporary Event Notices in the past 12 months to make use of the external areas until 2300hrs as shown in the following table:

Uniform Ref	Date of TEN	Times
C23/00414/LA_TEN	Saturday, 6 May 2023	Extend from 21:00 till 23:00
C23/00419/LA_TEN	Saturday, 13 May 2023	Extend from 21:00 till 23:00
C23/00420/LA_TEN	Saturday, 20 May 2023	Extend from 21:00 till 23:00
C23/00421/LA_TEN	Saturday, 27 May 2023	Extend from 21:00 till 23:00
C23/00422/LA_TEN	Saturday, 3 June 2023	Extend from 21:00 till 23:00
C23/00423/LA_TEN	Saturday, 10 June 2023	Extend from 21:00 till 23:00
C23/00430/LA_TEN	Saturday, 17 June 2023	Extend from 21:00 till 23:00
C23/00431/LA_TEN	Saturday, 24 June 2023	Extend from 21:00 till 23:00
C23/00439/LA_TEN	Saturday, 1 July 2023	Extend from 21:00 till 23:00
C23/00441/LA_TEN	Saturday, 8 July 2023	Extend from 21:00 till 23:00
C23/00450/LA_TEN	Saturday, 22 July 2023	Extend from 21:00 till 23:00
C23/00451/LA_TEN	Saturday, 15 July 2023	Extend from 21:00 till 23:00
C23/00452/LA_TEN	Saturday, 29 July 2023	Extend from 21:00 till 23:00
C23/00453/LA_TEN	Saturday, 5 August 2023	Extend from 21:00 till 23:00
C23/00455/LA_TEN	Saturday, 12 August 2023	Extend from 21:00 till 23:00
C23/00456/LA_TEN	Saturday, 19 August 2023	Extend from 21:00 till 23:00
C23/00467/LA_TEN	Saturday, 26 August 2023	Extend from 21:00 till 23:00

- 2.5 The application seeks the removal of the following condition attached to the premises licence

**Conditions agreed with North Yorkshire Council's Environmental Protection**

Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 09:00

To be replaced with the following condition:

Customers shall not use external areas of the premises for eating and/or drinking between the hours of 21:00 and 11:00 during the months of October to March. April to September the external areas can be used between 11:00 – 23:00 hours Monday to Saturday

2.6 Mandatory conditions detailed within The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 will apply to the licence. These conditions are detailed in **appendix 2**

2.7 The current premises licence authorises the following licensable activities:

#### **Sale by Retail of Alcohol**

Monday to Thursday	1100hrs until 2300hrs
Friday and Saturday	1100hrs until 0000hrs
Sunday	1100hrs until 2230hrs

#### **Late Night Refreshment**

Friday and Saturday	2300hrs until 0000hrs
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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.

#### **Opening hours**

Monday to Thursday	0830hrs until 2330hrs
Friday and Saturday	0830hrs until 0030hrs
Sunday	0830hrs until 2300hrs

2.7 A copy of the current premises licence is attached at **appendix 4**.

### **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 A number of additional conditions were proposed by North Yorkshire Police to promote the licensing objectives. These conditions are attached at **appendix 5**.

- 4.2 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 5.1**
- 4.3 One representation has been received from North Yorkshire Council's Environmental Protection Team on the objective of Prevention of Public Nuisance.
- 4.4 The representation is attached at **appendix 6**.
- 4.5 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 6.1**.
- 4.6 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 Not applicable

## **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 January 2024) issued by the Home Office are relevant in considering the licensing objectives in relation to this application:

- Crime and disorder Section 2.1
- Public safety Section 2.8
- Public nuisance Section 2.21
- Protection of children from harm Section 2.28

## 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 Whaddya Know Limited trading as La Feria, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA. Conditions agreed with North Yorkshire Police and North Yorkshire Council's Environmental 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 – Suggested conditions proposed by North Yorkshire Police

Appendix 5.1 – Agreement to conditions proposed by North Yorkshire Police

Appendix 6 – Representation from North Yorkshire Council Environmental Protection

Appendix 6.1 – 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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County Hall  
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08 April 2024

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Presenter of Report: Wan Malachi, Senior Licensing Enforcement Officer

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