

# North Yorkshire Council

## Statutory Licensing Sub-Committee

28 October 2024

### Application to Vary a Premises Licence – Zoo Bar, 219a High Street, Northallerton, DL7 8LW

#### Report of the Corporate Director - Environment

#### 1.0 PURPOSE OF REPORT

- 1.1 To seek the determination of the Sub-Committee of an application for the variation of an existing premises licence in respect of Zoo Bar 219a High Street, Northallerton, DL7 8LW.

#### 2.0 BACKGROUND

- 2.1 On 4 September 2024, North Yorkshire Council received an application from Deba Crow-Clark for the variation of a Premises Licence in respect of Zoo Bar, 219a High Street, Northallerton, DL7 8LW. She is the Premises Licence Holder and in addition is also named on the licence as the Designated Premises Supervisor.

- 2.2 The existing Premises Licence authorises the following licensable activities and permitted hours;

A copy of the Premises Licence is attached at Appendix A.

Existing Permitted Activities & Permitted Hours				
Permitted Licensable Activities	Permitted location	Permitted days	Permitted Hrs from	Permitted Hrs to
Live Music	Indoors only	Sun to Thur Fri and Sat Xmas Eve New Year's Eve	11am 11am 11am 11am	11pm 1am 4am 4am
Recorded Music	Indoors only	Sun to Thur Fri and Sat Xmas Eve New Year's Eve	11am 11am 11am 11am	11pm 1am 4am 4am
Late Night Refreshment	Indoors only	Mon to Sun	11pm	11:30pm
Sale of Alcohol	On and Off the premises	Mon to Sun Xmas Eve New Year's Eve	11am 11am 11am	2am 4am 11am (24hrs)
Opening Hours		Mon to Sun Xmas Eve New Year's Eve	11am 11am 11am	2:30am 4am 11am (24hrs)

2.3 The application seeks to extend the permitted days and hours for all of the licensable activities (apart from Late Night Refreshment). An extension to the permitted hours for live music is sought for the evening but reduced during the daytime. The variation sought is as follows;

A copy of the Variation Application is attached at **Appendix B**.

<b>Proposed Variation - Permitted Activities &amp; Permitted Hours</b>				
<b>Permitted Licensable Activities</b>	<b>Permitted location</b>	<b>Permitted days</b>	<b>Permitted Hrs from</b>	<b>Permitted Hrs to</b>
Live Music	Indoors only	Mon to Sun Xmas Eve New Year's Eve Bank Holidays	7pm 11am 11am 11am	1am 4am 4am 4am
Recorded Music	Indoors only	Tue to Thur Fri to Mon Xmas Eve New Year's Eve Bank Holidays	11am 11am 11am 11am 11am	2am 3am 4am 4am 4am
<i>Late Night Refreshment</i>	<i>NO CHANGES</i>			
Sale of Alcohol	On sales  Off sales only in the beer garden.	Tue to Thur Fri to Mon Xmas Eve New Year's Eve Bank Holidays	11am 11am 11am 11am 11am	2am 3am 4am 4am 4am
Opening Hours		Tue to Thur Fri to Mon Xmas Eve New Year's Eve Bank Holidays	11am 11am 11am 11am 11am	2:30am 3:30am 4am 4am 4am

2.4 Members will note that the applicant seeks the addition of Bank Holidays in relation to the permitted non-standard timings.

2.5 In addition, the application also seeks to update the plans to include the outside area on two levels. A copy of the proposed premises plan is attached at **Appendix C**.

2.6 Members are reminded that the provisions of Live Music Act 2012 (as amended) which addresses two matters, the issue of recorded and live music. The Act deems that Regulated Entertainment is no longer a Licensable Activity between the hours of 8am and 11pm in relation to this application.

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

3.1 The four licensing objectives set out in the Licensing Act 2003 are:

- the prevention of crime and disorder.
- public safety.
- the prevention of public nuisance.
- the protection of children from harm.

3.2 The Sub-Committee must carry out its functions with a view to promoting the licensing objectives. Each objective is of equal importance.

#### **4.0 CONSULTATION AND REPRESENTATIONS**

4.1 Copies of the application were sent to all statutory responsible authorities in accordance with the provisions of the Licensing Act 2003.

4.2 In accordance with Regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, applicants are required to publish a notice in a local newspaper and to display a brief summary of the application on an A4 size notice in a prominent position immediately on or outside the premises for at least 28 consecutive days. A record of the application was also published on the Council's website and the full application was made available for inspection at the Council offices.

4.3 A consultation of the application took place between 5 September 2024 and 2 October 2024.

4.4 Relevant representations have been made by 17 persons. The following Licensing Objectives of; the prevention of crime and disorder, public safety and the prevention of public nuisance are those most often quoted amongst these representations. Copies of the representations are attached at **Appendix D**.

4.5 The representations express a variety of concerns relating to;

- Drunkenness and urination in public/residential areas.
- Litter including drugs bags.
- Excessive noise from music and entertainment emanating from the premises.
- Late night disturbance affecting nearby residents.
- Anti-social behaviour and noise from patrons frequenting the premises.
- Broken glass, discarded cigarette butts, and chewing gum.
- Congestion and a general fear of intimidation for elderly residents living nearby.
- Incidents of violence/disorder, including some occasions where the police have been called upon.

4.6 A representation has also been lodged by a Responsible Authority, the Council's Environmental Health Service refer to the public nuisance, Licensing Objective. A copy of the representation is attached at **Appendix E**.

4.7 The representation expresses concerns relating to;

- Noise linked to the level and frequency of Regulated Entertainment.
- General issues appertaining to the building's structure as it transitions from a traditional pub to become a nightclub.
- Specific matters relating to some required structural modifications that are linked to noise attenuation measures.
- The adverse impact on the amenity of neighbouring residential properties.
- Information connected with noise from patrons when outside the premises, including the smoking area.
- The complexities of achieving adequate controls of the music volumes by the use of an 'electronic noise limiting device'.

4.8 North Yorkshire Police responded to the consultation stating that they were submitting no representation because they have reached an agreement in terms of the additional steps that shall be taken in order to promote the four licensing objectives by way of offering additional

licence conditions. These conditions are included within the variation application form at **Appendix B**.

4.9 The applicant has stated within the Operating Schedule that they wish to retain all of the existing conditions on their current Premises Licence however, they have volunteered a range of additional conditions (including those discussed with North Yorkshire Police) for Members to scrutinise.

4.10 Members will note that for ease of access and consideration, all of these Operating Schedule conditions have been extracted from the application and are set out in **Appendix F**.

## **5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 All of the Sub-Committee's options are outlined in paragraph 12.0. No alternative options are available.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 No financial implications have been identified.

## **7.0 LEGAL IMPLICATIONS**

7.1 In making its decision, the Sub-Committee must have regard to the applicant's submissions, the relevant representations, the Council's Statement of Licensing Policy and the Revised Guidance issued under section 182 of the Licensing Act 2003.

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's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

7.4 In accordance with Schedule 5 to the Licensing Act 2003, the applicant and any person who has made a relevant representation may appeal against the decision of the Sub-Committee.

7.5 The applicant and interested parties have a right of appeal to the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 No equalities implications have been identified.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 No climate change implications have been identified.

## **10.0 POLICY IMPLICATIONS**

10.1 Part 5 of the relevant Licensing Act 2003 policy which relates to premises licences is attached at Appendix G.

10.2 Chapters 8 and 9 of the Home Office Revised Guidance published in December 2023 under section 182 of the Licensing Act 2003 are attached at **Appendix H**.

## **11.0 REASON 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 regard to the above, determine the application and take any steps that are appropriate for the promotion of the licensing objectives.

## **12.0 RECOMMENDATION(S)**

- 12.1 Members are advised to take any of the following steps as the Sub-Committee considers appropriate for the promotion of the licensing objectives:
- a) to vary the licence as applied for (subject to any conditions consistent with the applicant's operating schedule);
  - b) to vary the licence subject to any modifications or additional conditions that Members consider appropriate for the promotion of the licensing objectives;
  - c) to reject the whole or part of the application.

## **APPENDICES**

Appendix A – Existing premises licence  
Appendix B – Variation application  
Appendix C – Proposed plans  
Appendix D – Representations  
Appendix E – Responsible Authority Representation  
Appendix F – Operating Schedule Conditions consolidated as an extract.  
Appendix G – Part 5 of the relevant Licensing Act 2023 policy.  
Appendix H – Chapters 8 and 9 of the Home Office Revised Guidance published in December 2023 under section 182 of the Licensing Act 2003

## **BACKGROUND DOCUMENTS**

Revised Guidance issued under section 182 of the Licensing Act 2003  
Licensing Act 2003 Statement of Licensing Policy

Karl Battersby  
Corporate Director of Environment  
County Hall  
Northallerton

11 October 2024

Report Author – Alan Fane, Licensing Enforcement Officer  
Presenter of Report – Alan Fane, Licensing Enforcement Officer

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