

North Yorkshire Council

Statutory Licensing Sub-Committee

14 January 2024

Application for a New Premises Licence – Hot Dog Heaven

Report of the Corporate Director of Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination of the Sub-Committee of an application for the grant of a premises licence in respect of Hot Dog Heaven, 69 High Street Skipton, BD23 1DS.

2.0 BACKGROUND

- 2.1 North Yorkshire Council received an application from Mehmet Nejet Usta (“the Applicant”) for Hot Dog Heaven. The application is attached at **Appendix A** the plans for the premises can be found at **Appendix B**.
- 2.2 The applicant is seeking to licence a location on Skipton High Street, in which a small mobile food unit can be located for the provision of late-night refreshment. A photograph of the unit can be found at **Appendix C**. Since this is a mobile unit, it cannot be licensed directly. Instead, a defined area would be licensed, within which the mobile unit could be situated. The plans attached to the application, **Appendix B**, show a red line indicating the licensable area where the unit can be located.
- 2.3 The application seeks to licence the premises for late night refreshment;
- i. Monday – Thursday 2300-0030hrs
 - ii. Thursday 2300-0100hrs
 - iii. Friday – Saturday 2300-0200hrs
 - iv. Sunday – 2300 – 2330hrs
- 2.4 Although the applicant has requested start times for licensable activity and opening times to commence prior to 2300hrs, this is outside the scope of the Licensing Authority’s consideration. Late night refreshment is only licensable between 2300-0500hrs.

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. 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 CONSULTATION AND REPRESENTATIONS

- 4.1 A consultation of the application took place between 15th November 2024 & 16th December 2024.
- 4.2 Copies of the application were sent to all statutory responsible authorities in accordance with the provisions of the Licensing Act 2003.
- 4.3 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 on blue paper 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.
- 4.4 Relevant representations have been made by 1 person. A copy of the representation is attached at **Appendix D**.
- 4.5 No representation has been lodged by a Responsible Authority.
- 4.6 North Yorkshire Police responded to the consultation and the applicant has agreed to additional conditions to be attached to the licence should one be granted. These conditions can be seen at **Appendix E**.

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 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.

- Conditions Part – 2, Page 25
- Nuisance and Environment - Part 6, Page 18
- Licensing hours – Part 6, Page 18

10.2 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
- Public nuisance - 2.21 page 14

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 grant the licence as applied for (subject to any conditions consistent with the Applicant's operating schedule);
- b) to grant the licence subject to any modifications or additional conditions that Members consider appropriate for the promotion of the licensing objectives;
- c) to reject the application in whole or in part.

APPENDICES

Appendix A – Application

Appendix B – Plans

Appendix C – Unit photograph

Appendix D – Representation

Appendix E – North Yorkshire Police agreed conditions.

BACKGROUND DOCUMENTS

Revised Guidance issued by the Home Office under section 182 of the Licensing Act 2003

Licensing Act 2003 Statement of Licensing Policy

Karl Battersby

Corporate Director of Environment

23 December 2024

Report Author – Tim Chadwick, Area Manager - West

Presenter of Report – Tim Chadwick, Area Manager - West

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