

North Yorkshire Council

Statutory Licensing Sub-Committee

24 February 2025 at 12:30pm

R Bar – Full Variation Application of a Premises Licence

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to determine a s.34 application for the variation of a premises licence under the Licensing Act 2003, in respect of R Bar, 33 Main Street, Grassington, Skipton, BD23 5AA.

2.0 BACKGROUND

- 2.1 An application for the variation of existing premises licence PL0869 has been made for R Bar, 33 Main Street, Grassington, Nr Skipton BD23 5AA. A copy of the application is attached at Appendix A in the report. Please note that the application is as received and is quite corrupted in places but was deemed valid by the Licensing Officer who received it. The existing premises licence including plan can be seen at Appendix A.1.
- 2.2 The applicants are Miss Lucie Ellen Weatherill and Mr James Sebastian Richardson.
- 2.3 The premises licence was transferred to Miss Weatherill and Mr Richardson following receipt of an application received from agents acting on behalf of the applicants on 19 September 2024, at which point it was described as “a two storey shop premises converted to a bar at 33 Main Street, Grassington, currently trading as Darrowby’s”. The applicants changed the trading name to R Bar.
- 2.4 The most recent Section 34 full variation application (“the variation application”) was originally accepted on 24 December 2024 with an end date of 21 January 2025. However, due to a delay by the applicants in publicising the application, the 28-day consultation period was restarted on 2 January 2025 to run until 30 January 2025.
- 2.5 The variation application is to increase and extend the licensable activities. See Appendix B for the current activities/times permitted by the existing licence, and those applied for in the variation.
- 2.6 Note that although live music is not currently licensed at the premises, and recorded music was, albeit not every day, The Live Music Act 2015 means that a licence is *not required* to stage a performance of live music, or the playing of recorded music if:
- it takes place between 8AM and 11PM; and
 - it takes place at an alcohol on-licensed premises; and
 - the audience is no more than 500 people. A licence is also not required:
 - to put on unamplified live music at any place between the same hours; or
 - to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.
 - In other circumstances, a licence may be required. There are exemptions from the need for a licence for music entertainment, in defined circumstances, including:

- incidental music - music that is incidental to other activities that aren't classed as regulated entertainment.

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 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; these four objectives are paramount considerations at all times.

3.3 In consideration of their obligations in promoting these objectives, the Applicant has offered up additional steps that will be taken to promote these objectives at Appendix A, Section M.

4.0 REPRESENTATIONS

4.1 A consultation of the application took place between 2 January 2025 and 30 January 2025. 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 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.

- a) On 2 January North Yorkshire Police contacted the applicants and then confirmed with Licensing that the applicants had agreed to the addition of further conditions (See Appendix C). It is normal practice for North Yorkshire Police to do so.
- b) On 8 January North Yorkshire Fire responded to state that they have no objections (See Appendix D).
- c) On 17 January a representative of Yorkshire Dales National Park Planning Authority responded to state that the applicants do not currently have the required planning permission to open for the hours applied for in the variation. Their response was relayed to the applicants, clarifying the distinction between licensing and planning regimes. See Appendix E.
- d) No response was received from North Yorkshire Council Environmental Health.
- e) On 30 January 2025 the attached representation was received from a member of the public. It was sent via the council's Contact Us email and did not reach Licensing until 31 January but it was verified as having been received by the Council on 30 January and therefore within the permitted timeframe for representations. See Appendix F.
- f) On 5 February (and therefore outside the permitted period for consultation) the attached response was received from Grassington Parish Council – for information only. See Appendix G.

4.3 At Appendix H a street view of the premises has been provided to assist members, along with some photographs of the premises and its locality.

4.4 As the times that other neighbouring licensed premises are permitted to trade until has arisen, these are shown at Appendix I.

4.5 The representation was put to the applicants, who responded to Licensing on 03 February. See Appendix J. Their response was duly forwarded by email to the objector. On Saturday 08 February the objector confirmed that their email address could be passed on to the applicants and this was done via email on Sunday 09 February.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All of the Sub-Committee's options are outlined in paragraph 13.0. No alternative options are available.

6.0 FINANCIAL IMPLICATIONS

6.1 Not applicable

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 Not applicable

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 Not applicable

10.0 POLICY CONSIDERATIONS

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.

11.0 OTHER CONSIDERATIONS

11.1 The following sections of the [Guidance issued under section 182](#) of the Licensing Act 2003 (updated December 2023) 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 2.8
- Public nuisance Section 2.21
- Protection of children from harm Section 2.28

12.0 HUMAN RESOURCES IMPLICATIONS

12.1 Not applicable

13.0 CONCLUSIONS

13.1 An application has been made for the variation of an existing premises licence PL0869. Conditions agreed with North Yorkshire Police will form part of the conditions attached to the Premises Licence.

13.2 In accordance with section 35 of the Licensing Act 2003, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

13.3 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.

13.4 The comments made by Planning have no impact on the Licensing application. However, if the applicants seek to change their permitted opening hours under Planning, (and are granted permission), should the licence variation be granted as applied for, the applicants would be able to trade until the hours applied for.

13.5 There is one representation from an interested party for the Sub-Committee to consider, attached at Appendix F. Members should note that some of the grounds for the representation may not directly relate to the licensing objectives but have been included in the interests of openness and transparency.

14.0 RECOMMENDATION

14.1 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 as applied for (subject to any conditions consistent with the Applicant's operating schedule and conditions added by NY Police)
- ii. To grant the licence subject to any modifications or additional conditions that Members consider appropriate for the promotion of the Licensing Objectives
- iii. To reject the application in whole or in part.

APPENDICES:

Appendix A - Variation application

Appendix A1 - Current premises licence PL0869

Appendix B - Current and proposed activities and hours

Appendix C - Additional conditions agreed with North Yorkshire Police

Appendix D - Response from North Yorkshire Fire

Appendix E - Response from Yorkshire Dales National Park Planning Authority

Appendix F - Representation received 30.01.25

Appendix G - Late response from Grassington Parish Council

Appendix H - Location plan and photographs

Appendix I - Licensable activities/hours of neighbouring premises

Appendix J - Response from applicants following receipt of Representation.

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11February 2025

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Presenter of Report: Emma Hayton, Senior Licensing Enforcement Officer (West)

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