

North Yorkshire Council

Statutory Licensing Sub-Committee

20 August 2025

Application for the review of a Premises Licence, The Met, Argyle Road, Whitby, YO21 3HU

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination by the Statutory Licensing and Registration Sub-Committee of an application for the review of a Premises Licence (Licensing Act 2003).

2.0 BACKGROUND

- 2.1 An application for the review of a premises licence under Section 51 of the Licensing Act 2003 has been received in respect of The Met, Argyle Road, Whitby, YO21 3HU. The application and appendices are attached at Appendix A. A copy of the current premises licence (PL0521) is attached at Appendix B, the licence authorises the following activities:

| | |
|---------------------------------------|------------------------|
| Sale of alcohol (on and off supplies) | Daily - 10:00 to 02:00 |
| Live music (indoors only) | Daily - 20:30 to 01:00 |
| Recorded music (indoors only) | Daily - 20:30 to 01:00 |
| Performances of dance (indoors only) | Daily - 10:00 to 01:00 |
| Late night refreshment (indoors only) | Daily - 23:00 to 01:00 |
| Opening Hours | Daily - 08:30 to 02:30 |

- 2.2 Paragraph 11.2 of the revised Home Office Guidance issued under section 182 of the Act states that “at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives”.
- 2.3 As such, in accordance with section 52(2) of the Act, the licensing authority must hold a hearing to consider the application and any relevant representations.

3.0 GROUNDS FOR REVIEW

- 3.1 The applicant has provided a detailed description of the issues relating to the premises within their application. This includes a series of noise logs which document instances of live and recorded music, as well as loud voices, recorded from within their property over an extended period.

3.2 Below is an extract from the application setting out their main concerns:
In June 2022, the premises were rebranded as "Metunes," a Benidorm-themed karaoke, disco, and cabaret bar. Events began to be held regularly-often three or more times a week-in the main bar area, which is not designed to manage amplified noise. Events include karaoke, Benidorm bingo, and regular live music and cabaret acts. The bar area has old single-glazed windows, a glass conservatory, and lacks soundproofing. Doors are frequently left open, and patrons often gather outside, further amplifying noise and disruption to residents. This has caused significant disturbance, with noise levels affecting not only residents of the Metropole building but those across Argyle Road.

3.3 In addition, the applicant states:

We are not asking for the bar to be closed, but that it be operated in a way that is appropriate for a residential area. Given the current situation, we respectfully request the following licence modifications:

1. All entertainment involving amplified music, karaoke, cabaret, and any other events to be restricted to the ballroom.
2. Installation of a Council-approved sound limiter in the main bar area.
3. Installation of soundproofing in the main bar area, including glazing upgrades and acoustic treatment.
4. Reduced operating hours, to reflect the location in a residential area.

4.0 REPRESENTATIONS AND RESPONSES

4.1 A total of eighteen representations have been received in support of the review, as detailed in Appendix C. While some individuals have requested that their personal details remain confidential, ten of the representations have been submitted by residents of Metropole Towers, which comprises residential accommodation located above the licensed premises.

4.2 The concerns raised by these interested parties closely mirror those of the applicant, as set out in Appendix A. Common themes include persistent noise nuisance from live and amplified music, particularly during late-night hours, inadequate sound insulation, and the negative impact on residents' wellbeing and quality of life. Several representations also highlight issues with antisocial behaviour, littering, and the unsuitability of the premises for its current use in a predominantly residential area.

4.3 Members should note that some of the grounds for the representations may not directly relate to the licensing objectives but have been included in the interests of openness and transparency.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All of the Sub-Committee's options are outlined 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.

7.0 LEGAL IMPLICATIONS

7.1 As an application to review a premises licence has been received, the Sub-Committee must hold a hearing to consider the application and any representations and, having regard to the representations, determine the 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 applicant and all parties to the hearing may appeal against the decision of the Licensing Sub-Committee. Appeals must be made to a Magistrates' Court 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 The following sections of North Yorkshire Council's Statement of Licensing Policy are relevant in considering the licensing objectives:

- Section 4 sets out the objectives to be achieved by the Policy. In summary the licensing authority aims to protect the public from crime, antisocial behaviour, and noise nuisance, while effectively managing the night-time economy. It seeks to support local communities through fair regulation, encourage responsible business practices, and reduce unnecessary burdens on well-run premises. The policy also promotes community involvement in licensing decisions and supports social inclusion through activities that reflect the character of local neighbourhoods.
- Sections 50 to 52 relate to the prevention of public nuisance licensing objective.
- Section 137 to 143 relate to reviews of premises licences.
- Sections 157 to 162 relate to representations in respect of premises licences.
- Sections 167 to 173 relate to premises licence conditions.

9.2 The Sub-Committee should also consider the following sections of the S182 Licensing Act 2003 Guidance:

- Principles – 1.15 to 1.17
- Public nuisance - 2.21 to 2.27
- Conditions - 10.1 to 10.10
- Reviews – 11.1 to 11.23

10.0 EQUALITIES IMPLICATIONS

10.1 No equalities implications have been identified for this matter.

11.0 REASONS FOR OPTIONS

11.1 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 OPTIONS

- 12.1 In the case of a review of a premises licence, the Sub-Committee may choose to employ one or more of the following options:
- a) to modify the conditions of the licence
 - b) to exclude from the Licence a licensable activity
 - c) to disapply the provisions of the Live Music Act 2012 (quoting the relevant legislation)
 - d) to remove the Designated Premises Supervisor
 - e) to suspend the licence for a period not exceeding three months
 - f) to revoke the licence
 - g) to leave the licence in its existing state
- 12.2 In relation to paragraph a) and b) above, the Sub-Committee has the power under Section 52(6) of the Licensing Act 2003 to provide that the modification and exclusion may only have effect for a limited period not exceeding three months.
- 12.3 In relation to paragraph c) above, Members may decide, in accordance with s177A of the Licensing Act 2003 (as amended by the Live Music Act 2012) to state that s177A of the Act 2003 does not apply to this premises licence. By doing so Members will disapply the provisions of the Live Music Act, thereby reinstating live music and recorded music (between the hours of 8AM-11PM) as activities to which the Premises Licence applies. Conditions which relate to live and recorded music can also be re-instated so that they would apply between the hours of 8AM-11PM.

APPENDICES:

- Appendix A – Application
- Appendix B – Current premises licence
- Appendix C - Representations

BACKGROUND DOCUMENTS:

- North Yorkshire Council's Statement of Licensing Policy
- Section 182 Guidance (Home Office), Licensing Act 2003

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County Hall
Northallerton
30 July 2025

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Presenter of Report – John Wardell – Senior Licensing Enforcement Officer (East)

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