

North Yorkshire Council

Statutory Licensing Sub-Committee

Tuesday 09 September 2025

La Feria – 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 an application to vary a premises licence under the Licensing Act 2003.

2.0 BACKGROUND

- 2.1 An application to vary a premises licence has been made by Whaddyaknow? Limited, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA. A copy of the application, associated plan and current premises licence is attached at **Appendix 1**.
- 2.2 The applicant is Jeremy Verity, Whaddyaknow? Limited, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA.
- 2.3 Photographs of the site and vicinity is attached at **Appendix 2**.
- 2.4 The use of the premises is described as a restaurant and bar providing a taste of true Spanish cuisine and Spanish alcohol both inside and on a covered terrace located to the front of the premises.
- 2.5 The application is to remove the following condition attached to the current premises licence:
Customers shall not use the 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 11:00 – 23:00 hours Monday to Saturday
- and be replaced by:
Customers shall be allowed to use the external areas of the premises for eating and/or drinking until 23:00 from Monday to Saturday for the whole year (January to December).
- 2.6 The current premises licence authorises the following licensable activities:

Sale by Retail of Alcohol

Monday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00
Sunday	11:00 to 22:30

Late Night Refreshment

Friday and Saturday	23:00 to 00:00
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Opening hours of the premises

Monday to Thursday	08:30 to 23:30
Friday and Saturday	08:30 to 00:30
Sunday	08:30 to 23:00

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 always paramount considerations.

4.0 REPRESENTATIONS

4.1 A representation had been received from North Yorkshire Council's Environmental Protection Team on the objective of the prevention of public nuisance. The representation is attached at **Appendix 3**.

4.2 The applicant accepted the Environmental Protection representation and agreed to the proposed conditions in full and it was subsequently withdrawn. This correspondence is attached at **Appendix 4**.

4.3 There has been one representation received from an interested party which is attached at **Appendix 5**.

4.4 The interested party was provided details of the conditions agreed between the applicant and Environmental Protection and requested some clarification. This correspondence is attached at **Appendix 6**.

4.5 The applicant provided a response to this representation which is attached at **Appendix 7**.

4.6 The interested party was not satisfied with the response provided by the applicant and confirmed that they did not wish to withdraw their representation. This is attached at **Appendix 8**.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 Not applicable.

6.0 FINANCIAL IMPLICATIONS

6.1 Not applicable.

7.0 LEGAL IMPLICATIONS

7.1 As a relevant representation has been received, the Sub-Committee must hold a hearing to determine the application.

7.2 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.

7.3 Any appeal must be made 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 IMPLICATIONS

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 – section 50
- Crime and disorder – section 33
- Public safety – section 44
- Protection of children - section 53

10.2 Other Considerations

The following sections of the Guidance issued under section 182 of the Licensing Act 2003 (updated February 2025) 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

10.3 **Appendix 9** contains the mandatory conditions which will be applied to all licences in addition to any conditions agreed by the Sub-Committee.

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 held by Whaddyaknow? Ltd, Ground Floor, Wellington House, Cold Bath Road, Harrogate, HG2 0NA. The conditions attached to the current premises licence will remain with the amendment agreed between the applicant and North Yorkshire Council's Environmental Protection Team.

13.0 OPTIONS

- 13.1 To take any of the following steps as the Sub-Committee considers appropriate for the promotion of the licensing objectives:
- i) Grant the variation to the licence as applied for (subject to any conditions consistent with the applicant's operating schedule);
 - ii) Modify the conditions of the licence (for this purpose the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added);
 - iii) to reject the whole or part of the application.

APPENDICES:

Appendix 1 – Copy of application, plan and current premises licence

Appendix 2 – Vicinity Plan

Appendix 3 – Representation from Environmental Protection Team

Appendix 4 – Agreement and withdrawal of representation from Environmental Protection Team

Appendix 5 – Representation from Chris Hird

Appendix 6 – Correspondence regarding agreed EP conditions with Chris Hird

Appendix 7 – Applicant response to Chris Hird

Appendix 8 – Final response from Chris Hird

Appendix 9 – Mandatory conditions imposed under Licensing Act 2003

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton

22 August 2025

Report Author – Wan Malachi, Senior Licensing Enforcement Officer

Presenter of Report – Wan Malachi, Senior Licensing Enforcement Officer or Nicola Kemp
Licensing Enforcement Officer

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