



## LICENSING & APPEALS SUB-COMMITTEE

Friday, 5 March 2021 at 10.30am

Please note that due to Covid-19, this meeting will be held remotely and will be livestreamed here:  
<https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRiLmjUwg>

### AGENDA

**Sub-Committee Membership:** Councillors Ireton, Moorby and Myers.

1. **Apologies for absence.**
2. **Appointment of Chairman for the Hearing.**
3. **Declarations of Interest** – Members are invited to declare any interests (including the nature of those interests) they have in the item appearing on this agenda.

*(Note: If any of the Sub-Committee's Members believe they may have an interest they are asked to inform the agenda contact officer before the date of the Hearing as the attendance of a replacement Member may need to be arranged.)*

4. **Application for a Review of the Premises License (The Ref and Whistle)** – To consider an application for the review of the Premise Licence under section 51 of the Licensing Act 2003 made by Cllr David Noland of Craven District Council and Cllr John Dawson of Skipton Town Council, for the premise known as The Ref & Whistle, 9 Court Lane, Skipton BD23 1DD, and to make a determination under section 52 Licensing Act 2003 based on the licensing objectives taking into account all relevant representations.

**Agenda Contact Officer:**

Hannah Scales, Democratic Services and Scrutiny Officer  
Tel: 01756 706235 Email: [hsc@cravencd.gov.uk](mailto:hsc@cravencd.gov.uk)

# Licensing and Appeals Sub-Committee

5<sup>th</sup> March 2021



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## Licensing Act 2003

**Application for a Review of the Premises Licence, The Ref & Whistle, 9 Court Lane, Skipton, BD23 1DD**

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**Ward(s) affected:** Skipton North

### **Report of Tim Chadwick, Licensing Manager**

**1. Purpose of Report**— To consider an application for the review of the Premise Licence under section 51 of the Licensing Act 2003 made by Cllr David Noland of Craven District Council and Cllr John Dawson of Skipton Town Council, for the premise known as The Ref & Whistle, 9 Court Lane, Skipton BD23 1DD, and to make a determination under section 52 Licensing Act 2003 based on the licensing objectives (set out in paragraph 2 below) taking into account all relevant representations.

### **2. Recommendation**

Members are requested to determine the enclosed application with a view to promoting the licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

The steps are—

- a. Revoke the licence
- b. Suspend the licence for up to 3 months
- c. Impose additional conditions with a view of promoting the licensing objectives;
  - i. subject to conditions consistent with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
  - ii. any condition which must under section 19, 20 or 21 (mandatory conditions) be included in the licence;
- d. to exclude from the scope of the licence any of the licensable activities to which the application relates;
- e. Remove the designated premise supervisor
- f. Take no action

### 3. Background

The Ref & Whistle, 9 Court Lane, Skipton ('the Premise'), has the benefit of a premise licence – PL0848. This Licence is currently held by Simon Greaves, who is also the named designated premise supervisor. The licence was GRANTED by the Licensing Appeals Sub-committee on the 24<sup>th</sup> June 2019. The Decision Notice can be seen at Appendix A and a copy of the Premise Licence, at Appendix B.

The sub-committee acknowledges that Licensing and Planning form two distinctive legislative regimes, and the licence holder has to ensure that he complies with both. Any licensed premises are potentially liable to enforcement action under both licensing and planning legislation. However, in order to determine the application for the GRANT of a premise licence in June 2019, Members took note of and acknowledged the Noise Management Plan (see Appendix C) which had been agreed as part of the Planning process and had accepted in good faith the assurances from Mr Greaves that he would strictly adhere to it in order to prevent public nuisance (which is a statutory licensing objective). The Noise Management Plan was varied in 2020 (See Appendix D) to allow non amplified music but not to exceed 60 Decibels.

The sub-committee will be aware that under the Business and Planning Act 2020 section 11 which came into force on 22<sup>nd</sup> July 2020, relaxed all conditions relating to off-site sales of Alcohol under the Licensing Act 2003<sup>1</sup>. This includes relaxing such conditions Mr Greaves was previously bound by under the Licensing Act 2003 such as those attached to the licence which prohibited open vessels from being taken on to the highway. However, the Committee will note the Premise is still bound by conditions attached under Planning Permission.

Since the licence was GRANTED a number of complaints from nearby residents have been received. A chronology of the key events can be seen at Annex 1. The trail of emails raising concerns can be seen at Appendix E showing the trail of complaints and action taken.

The Premise has been visited by officers from the Licensing Department on a number of occasions. These visits have mainly been reactive in nature, being based upon complaints received. These visits presented an opportunity to discuss relevant matters with Mr Greaves in his capacity as premises licence holder and Designated Premises Supervisor with regard to the premise. He has been reminded of relevant conditions attached to his Premise Licence and the importance of him complying with those.

A full licence inspection was carried out on 14<sup>th</sup> February 2020, a record of which can be seen at Appendix F. This inspection was pre-planned and was additional to the reactive visits referred to above.

On 17<sup>th</sup> August 2020 the Licensing Department received a complaint about the premises relating to noise nuisance and not following COVID19 regulations. The complaint highlighted the Licence holder undermining the licensing objectives namely;

- Prevention of Public Nuisance
- Public Safety

The complaint also highlighted the fact that Mr Greaves is not adhering to the premise Noise Management Plan (see Appendix D), by allowing drinking in the street. This Complaint can be seen at Appendix G.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2020/16/section/11/enacted>

On receipt of this complaint the Licencing Department issued a request on 19<sup>th</sup> August 2020 to view the premise CCTV. There were delays in obtaining CCTV footage. Mr Greaves was unable to produce the footage initially within 48 hours of request. Mr Greaves was also unable to produce the training and incident records book; both constitute breaches of the licence conditions. Mr Greaves later rectified the issue and put in place the required record books and did supply the CCTV footage. See Letter of request & relevant internal case notes at Appendix H.

The footage obtained was shared with the Planning and Environmental Health Departments. The footage which was obtained related to the hours 1900-2200hrs on 15<sup>th</sup> August 2020. The footage is taken when the country was under The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020. The footage viewed showed groups congregating outside and drinking, showing groups of up to 8 gathering outside. Internally and externally it appears to show suspected mixing of households and a mixture of table and bar service with customers standing up and drinking by the bar. At the time in question on 15<sup>th</sup> August 2020 bar service was allowed but customers had to consume drinks while seated. Mr Greaves is present and serving behind the bar. On viewing the footage, the Planning Department issued an email to Mr Greaves reminding him of the planning conditions (See Appendix I). However, it appears an incorrect email address was used.

A further complaint was lodged with the Council regarding COVID breaches in September 2020. However, this was not initially received, and it was discovered some time later, that the relevant emails had been blocked by the Council computer servers. A copy of these emails can be seen at Appendix J.

On 24<sup>th</sup> of September 2020, a visit to the Premise was made by the Licensing and Environmental Health teams. The visit was made due to Public Health concerns which had been raised and Mr Greaves was reminded of his obligations, and made aware of what was required in order to be compliant and the implications arising from not being so were pointed out in clear terms. Additional information relating to this visit is evident in the representation made by Environmental Health (Appendix K). This visit was primarily to inform and assist Mr Greaves in complying with the required regulations.

Further complaints were received in early December 2020, following which a request for CCTV footage was issued on 7<sup>th</sup> December (see Appendix L). Mr Greaves failed to supply the requested footage, thereby being in breach of the conditions of the premises licence. Initially, the request went to an email address that was incorrect due to an administrative error. However, the primary contact details were also used and copies sent by post but these were not received as the Licence Holder's records were not up to date due to a change of home address. (A copy of the letter was resent on 10<sup>th</sup> December to a valid email address. A visit was undertaken by officers from the Licensing and Environmental Health Departments on 9<sup>th</sup> December. The Environmental Health Officer discussed a number of issues and concerns arising from the inspection of the Premise and the information contained in the complaint. Mr Greaves confirmed he was unable to meet the requirements to make/keep the premise COVID secure. During the visit Mr Greaves confirmed to the Licensing Manager that the premise's CCTV did not work, (which is in breach of Premises Licence conditions) and he was unsure as to how long this had been the case, but an engineer had been out to look at the system. Mr Greaves confirmed that there was no footage available for 5<sup>th</sup> or 6<sup>th</sup> December as a result of a system fault.

Mr Greaves has also failed to formally notify the Council of his change of residential address in his capacity as Premises Licence Holder and Designated Premise Supervisor. Mr Greaves verbally informed the Licensing Manager in December of the change of address and was clearly instructed of what was required of him to make the change. The reasons offered for not making the change formally can be seen at Appendix M. It is understood Mr



Greaves has updated his personal licence with the City of Bradford MDC to the business address, but not his residential address.

As a result of the premise visit on 9<sup>th</sup> December Mr Greaves did concede he could not operate without great difficulty while remaining in compliance of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and he informed the visiting officers he would close.

On 11<sup>th</sup> December 2020, a Prohibition Notice was served under Regulation 9(2) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. The Notice required the Licence Holder to cease to carry on the business of selling alcohol for consumption with immediate effect and will remain in force until steps have been put in place to enable the premises to trade in accordance with coronavirus regulations. It was also agreed Mr Greaves would need to evidence compliance with all Licensing Conditions as well before he can reopen.

### **Application**

The application for review submitted by Cllr David Noland of Craven District Council and Cllr John Dawson of Skipton Town Council can be seen at Appendix N, and was made on the basis of promoting the public safety and prevention of public nuisance licensing objectives.

## **4. Consultation**

The consultation period ran for the period 23<sup>rd</sup> January 2021 until 19<sup>th</sup> February 2021.

The application has been served on all the responsible authorities as follows:

- North Yorkshire Police
- North Yorkshire Fire & Rescue
- Public Health
- Environmental Health Services
- Environmental Health Safety at Work
- Planning Department
- North Yorkshire County Council Children & Young Persons
- Licensing Authority
- Trading Standards.

As required under the Licensing Act 2003 the application was advertised with a blue notice at the property. The application was also published on the Licensing pages of the Council's website.

A formal consultation response has been received from North Yorkshire Police confirming that that they would not be submitting any representation in respect of this review (see Appendix O).

The Environmental Health Department provided representations which can be seen at Appendix K. Mr Burrow has made representations (Appendix P) in support of the review application and has supplied a number of additional supporting videos, some of which will be made available for all parties to the hearing to view at a briefing session prior to the commencement of the hearing.

Further consultation responses in support of the review application have been provided and can

be seen at Appendix Q - Z. All the public objectors have confirmed they wish Mr Burrow to represent them on their behalf at the review hearing.

Also received are the following representations in support of the premise licence holder (see Appendix AA to NN). Members will note Mr Greaves is not part of the Local Pub Watch scheme (Appendix KK), in spite of it being a condition on his Premise Licence.

It will be appreciated that the representations have a focus on the prevention of public nuisance and promotion of public safety licensing objectives, although other objectives (including the prevention of crime and disorder) are also covered.

## **6 Steps to Promote the Licensing Objectives**

The Sub Committee is required to consider and determine the review in such a way that promotes the statutory licensing objectives.

## **7 S182 Home Office Guidance**

The following paragraphs from the Home Office Guidance issued under Section 182 of the Licensing Act 2003 are of particular relevance to this application:

### **Public nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Public safety**

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may

also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

## **Powers of a licensing authority on the determination of a review**

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority'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.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence

Members are invited to consider all relevant parts of the s182 Guidance and particularly note the references made above. Copies of the Guidance will be available to Members at the meeting.

## **8 Reasons for Recommendation**

Members of the Licensing and Appeals Sub Committee are responsible for determining such applications.

Before making a decision, members are asked to consider the following matters:

- The representations made by interested parties and responsible authorities;

- The submissions made by, or on behalf of, the licence holder;
- The relevant licensing objectives, namely Promotion of Public Safety and Prevention of Public Nuisance (but not to the total exclusion of others)
- The Licensing Act 2003, Regulations, s182 Guidance and the Council's Statement of Licensing Policy (August 2016).
- Right of all parties to a fair hearing
- The Human Rights Act 1998.

## 9 Implications

### 10.1 Financial and Value for Money Implications - None

**10.2 Legal Implications:** A right of appeal lies to the Magistrates Court within a period of 21 days from when the written decision is issued.

### 10.3 Policy Implications - Craven District Council's Licensing Policy

The following paragraphs from Craven District Council's Statement of Licensing Policy agreed by Full Council on 2nd August 2016 are relevant to the application:

The Policy Statement is designed to deal with matters within the control of the Licensee and is centred on the premises at which the business is carried on and the effect that the operating of that business has on the vicinity.

#### Crime Prevention Strategies

Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Council the practical steps that will be taken to further this objective.

The following list is not intended to be exhaustive but sets out normal considerations to be taken into account by the Council.

Under the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all they can to prevent crime and disorder in their area. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the Craven district, particularly when considering the location and impact of the operation and management of all proposed licence applications, renewals and variations of conditions.

For further information reference should be made to the Home Office document tackling alcohol-related crime disorder and nuisance – 'action plan and alcohol- related crime tool-kit'. For further guidance and assistance on developing crime prevention strategies contact should be through the Community Safety Officer at Skipton Police Station.

## 11. Consultations with Others – With Responsible Authorities and Interested Parties

**12. Access to Information:** Licensing Act 2003, Guidance issued under section 182 of the Licensing Act 2003 and Craven District Council Licensing Policy 2nd August 2016

**13. Author of the Report**– Tim Chadwick, Licensing Manager, telephone 01756 700600, email: [tchadwick@cravendc.gov.uk](mailto:tchadwick@cravendc.gov.uk)

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

**Appendices –**

**Appendix A** – Licensing Decision Notice

**Appendix B** – Copy of Premise Licence

**Appendix C** – Planning Decision Notice & Noise Management Plan 2019

**Appendix D** – Planning Decision Notice & Noise Management Plan 2020

**Appendix E** – Complaint emails and action taken

**Appendix F** – Record of Full Licence Inspection 14 February 2020

**Appendix G** – Complaint 17 August 2020

**Appendix H** – Request for CCTV footage 19 August 2020 and case notes

**Appendix I** – Planning Department response to CCTV footage

**Appendix J** – Covid Complaint emails September 2020

**Appendix K** – Environmental Health Representation

**Appendix L** – Address change information request and reason for not changing

**Appendix M** – Request for CCTV footage 7 December 2020

**Appendix N** – Application for Review from Cllr David Noland (Craven DC) and Cllr John Dawson (Skipton Town Council)

**Appendix O** – North Yorkshire Police response

**Appendix P** – Mr Burrow representation

**Appendix Q** – Ayre Objection

**Appendix R** – Lawther Objection

**Appendix S** – Thornton Objection

**Appendix T** – Beck Objection

**Appendix U** – Bennett Objection

**Appendix V** – Carruthers Objection

**Appendix W** – Catling Objection

**Appendix X** – Fattorini Objection

**Appendix Y – Hothersall Objection**

**Appendix Z – Cllr Solloway Objection**

**Appendix AA – Robinson Support**

**Appendix BB – Ali Support**

**Appendix CC – Murdoch Support**

**Appendix DD – Beattie Support**

**Appendix EE – Brewin Support**

**Appendix FF – Claxton Support**

**Appendix GG – Forshaw Support**

**Appendix HH – Greenwood (Robert) Support**

**Appendix II – Holmes Support**

**Appendix JJ – Kimberley Support**

**Appendix KK – Brook Support**

**Appendix LL – Greenwood (Roy) Support**

**Appendix MM – O'Hara Support**

**Appendix NN – Michelle Support**

**Annex 1 – Chronology of the key events**

## **DECISION NOTICE**

### **PREMISES LICENCE APPLICATION: REF & WHISTLE, 9-11 COURT LANE, SKIPTON**

#### **Date of the Hearing**

24 June 2019

#### **Licensing and Appeals Sub Committee Members**

Councillors Moorby (Chair), Mulligan and Solloway

#### **Reason for Hearing**

To consider an application for the grant of a premises licence in respect of Ref & Whistle, 9-11 Court Lane, Skipton

#### **Evidence**

The Sub Committee carefully considered the report of the Licensing Officer (including appendices), the Licensing Act 2003, the Council's Licensing Policy, the s182 Guidance and the representations made at the meeting.

The Sub Committee heard from;

#### Licensing Authority

Tim Chadwick, Licensing Manager

#### Responsible Authorities

None

#### Interested Parties

Mr Burrow

Councillor Dawson (Skipton Town Council)

#### Applicant

Ed Smith, Solicitor

Mr Greaves

#### Decision

To **GRANT** a Premises Licence with the mandatory conditions, conditions consistent with the Operating Schedule and the conditions agreed between the Applicant and the Police subject to the following;

1. it was confirmed prior to and at the hearing that the application was proceeding on the basis of the standard hours only and not the additional hours specified under “Non standard timings” due to an error in advertising the application
2. at the hearing the applicant agreed that Late Night Refreshment would be “On Sales” indoor only

### **Reasons for the Decision**

After considering the application and all representations (written and as presented at the meeting) the Sub Committee determined that the grant of the licence in the above terms with mandatory conditions, conditions consistent with the Operating Schedule (as agreed with the Police) would not undermine any of the licensing objectives.

The Sub Committee acknowledged the concerns of objectors, however no substantial reported evidence of activity undermining the licensing objectives was before the Sub Committee following a number of days trading under Temporary Event Notices. The Sub Committee noted that the Planning Permission (reference 2018/1979/COU) required ongoing implementation of a Noise Management Plan (condition 8).

The applicant at the hearing amended the application to exclude off sales from the scope of the licensable activity in relation to Late Night Refreshment.

The Sub Committee recommended that the applicant join STAND and suggested that the applicant look into whether a bin could be provided fastened to the outside of the premises.

### **Appeal**

There is a right of appeal to the Magistrates’ Court. Appeals must be submitted to the Magistrates’ Court within 21 days. A fee may be payable to the Magistrates’ Court when submitted your appeal application. Harrogate Magistrates’ Court now deals with the administration of local court cases. If you need to speak to a Court Officer please ring 01423 722000. Correspondence for the attention of the Court should be sent to the Court House, Victoria Avenue, Harrogate HG1 1LS.

### **Informative**

#### **Review**

At any stage following the grant of a premises licence or club premises certificate a responsible authority or any other person may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Further details can be found in the s182 Guidance published by the Home Office.



# LICENSING ACT 2003

# PREMISES LICENCE

# PL0848

LICENSING AUTHORITY

PART A



1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

## Part 1 – Premises Details

## The Ref And Whistle

9 Court Lane  
Skipton  
BD23 1DD

Telephone Number:

Where the Licence is time limited the dates:

Not applicable

### Licensable Activities authorised by the licence:

Late Night Refreshment  
Retail Sale of Alcohol

### The times the licence authorises the carrying out of licensable activities:

**Late Night Refreshment** (Indoors)  
Monday to Sunday 23:00 - 00:00 hrs

**Retail Sale of Alcohol**(Both)  
Monday to Sunday 11:00 - 00:00 hrs


### The opening hours of the premises:

Monday to Sunday 11:00 - 00:30 hrs

### Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption both on and off the Premises

## Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>	
Mr Simon Greaves 19 Druids Street, Clayton, Bradford, BD14 6RJ,	
<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
<b>Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>	
Mr Simon Greaves 19 Druids Street Clayton Bradford BD14 6RJ	
<b>Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):</b>	
<b>Personal licence Number: Licensing Authority:</b>	Licence Number: BD/PER3623 Licensing Authority: Bradford Metropolitan District Council
 <b>Tim Chadwick</b> <b>Licensing Manager</b>	
<b>Original Issue date of Premises Licence: 24th June 2019</b>	
<b>Date of last change: 24th June 2019</b>	

**ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence –
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
6. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- For the purposes of this condition -
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –
- $$P = D + (D \times V)$$
- where -
- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
9. (1) Sub-paragraph (2) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
10. No supply of alcohol may be made under the premises licence –
- (c) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (d) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
11. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

12. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (f) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (iii) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (iv) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (g) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (h) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (i) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (j) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
13. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
14. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
15. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (iv) beer or cider: ½ pint;
    - (v) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (vi) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

16. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (f) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (g) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (h) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
- (iv) the holder of the premises licence,
- (v) the designated premises supervisor (if any) in respect of such a licence, or
- (vi) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (i) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (j) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

17. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

18. (1) Sub-paragraph (2) applies where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

None

The Prevention of Crime and Disorder

Annex 2 Conditions consistent with the operating schedule:-

CCTV

1a A digital colour, cctv system will be installed to cover the premises and recorded coverage will include all internal and external areas to where the public have access to consume alcohol.

- b. It will be maintained, working and recording at all times when the premises are open.
- c. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- d. Copies of the recordings will be kept available for any Responsible Authority for 28 days Subject to Data Protection requirements.
- e. Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request Subject to Data Protection requirements.
- f. Copies of the recordings will display the correct time and date of the recording.
- g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority.

#### Staff Training

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises License
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

3. With such training (condition 2) documented records shall be kept for a minimum of one year and will be made available immediately upon a reasonable request from any Responsible Authority.

4. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.

5. Both Refusals and Incident Report registers shall be kept for at least 1 year and they will be made available immediately upon a reasonable request from any Responsible Authority. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]:

6. The premises DPS is responsible for risk assessing the need for SIA Door staff at the venue. Special considerations should be given to the need for Door staff on Fridays, Saturdays, bank holidays or other locally or nationally significant events.

7. Where Door staff are on duty they shall sign in and out of the premises log book, providing full details of their names and SIA number.

8. The premise licence holder will be a member of the local pub watch scheme.

#### Public Safety

Members of staff will receive training for emergency and safety procedures and the training will be documented in the staff training log book.

First aid supplies will be stored on the premise and be available for use.

#### The Prevention of Public Nuisance

Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimize noise and when smoking and/or leaving.

Open containers of alcohol shall not be removed from the premises or ( licensed area) onto the pavement or highway.

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Local taxi numbers will be displayed at the premise

Protection of Children from Harm

The license holder will operate a Challenge 25 Age Verification Policy.

The only acceptable proof of age identification shall be a current Passport, photo card Driving License or identification carrying the PASS logo or military id (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises License Holder).

There will be no adult entertainment.

Children will not be permitted to remain on the premise after 2000hrs

#### **ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING**

#### **ANNEX 4 – AUTHORISED PLANS**

As attached.





## PREMISES LICENCE

PL0848

## SUMMARY PART B



1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

## Part 1 – Premises Details

**The Ref And Whistle**

9 Court Lane  
Skipton  
BD23 1DD

Telephone Number:

Where the Licence is time limited the dates:

Not applicable

**Licensable Activities authorised by the licence:**

Late Night Refreshment  
Retail Sale of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment;** (Indoors)

Monday to Sunday 23:00 - 00:00 hrs

**Retail Sale of Alcohol;** (Both)

Monday to Sunday 11:00 - 00:00 hrs

**The opening hours of the premises:**

Monday to Sunday 11:00 - 00:30 hrs


**Where the licence authorises supplies of alcohol whether these are on and /or off supplies:**

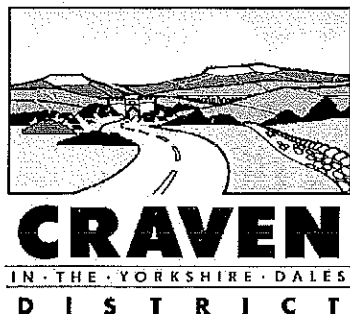
Alcohol is supplied for consumption both on and off the Premises

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Simon Greaves  
19 Druids Street, Clayton, Bradford, BD14 6RJ,

Registered number of holder, for example company number, charity number (where applicable)	Appendix B
Name of designated premises supervisor where the premises licence authorises the supply of alcohol:	
Mr Simon Greaves	
State whether access to the premises by children is restricted or prohibited:	
<div style="text-align: right;">   <b>Tim Chadwick</b>  <b>Licensing Manager</b> </div>	
Original Issue date of Premises Licence: 24th June 2019	
Date of last change: 24th June 2019	



## Development Management

Craven District Council  
1 Belle Vue Square  
Broughton Road  
SKIPTON  
North Yorkshire  
BD23 1FJ

(Main Switchboard) Telephone: 01756 700600  
Email: [planning@cravenc.gov.uk](mailto:planning@cravenc.gov.uk)

Mr Simon Greaves  
19 Druids Street  
Bradford  
West Yorkshire  
BD14 6RJ

## PLANNING PERMISSION

Town and Country Planning Act 1990

Application No:	2018/19739/COU
Date Received:	14th September 2018
Applicant:	Mr Simon Greaves
Proposal:	Change of use from retail to a microbar
Location:	9 - 11 Court Lane, Skipton, BD23 1DD
Decision/Date	19th February 2019

The Craven District Council has considered this application under the Town and Country Planning Act 1990 (as amended) and **Grants Planning Permission** for the development described above.

This permission is granted subject to the following Condition(s) and Reason(s) which are laid out in the order by which they must be complied with:-

### Time Limit for Commencement

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

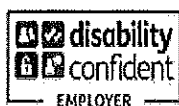
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

### Approved Plans

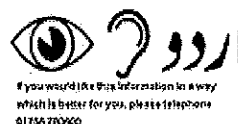
- 2 This permission relates to the following plans:

- Location Plan, received 14th September 2018;
- Existing Floor Plans, received 14th September 2018;
- Proposed Floor Plans, received 14th September 2018;
- Property Spec, received 14th September 2018;
- Planning Statement, received 17th September 2018.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.



Paul Shevlin, Chief Executive  
Calls may be recorded for training and monitoring purposes  
For general enquiries telephone 01756 700600  
[www.cravenc.gov.uk](http://www.cravenc.gov.uk)



Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the National Park Authority) Local Plan and the National Planning Policy Framework.

### **Before you Commence Development**

- 3 Where first floor windows of the micro bar hereby approved need to remain closed, other means of ventilation may need to be provided. Details of any external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: To ensure that the development does not give rise to unacceptable noise and disturbance to the occupiers of surrounding residential properties, particularly during unsocial hours.

### **Before the Development is Occupied**

- 4 All existing first floor windows of the micro bar hereby approved, shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity), these windows shall also be non-opening. The windows shall be obscured and fixed before the use is commenced, and shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of neighbouring dwellings.

### **Ongoing Conditions**

- 5 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4m about the footway level and no closer than 0.5m from the edge of the carriageway.

Reason: To protect pedestrians and other highway users.

- 6 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4m they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5m of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: To protect pedestrians and other highway users.

- 7 No deliveries shall be received or dispatched from the premises outside the hours of 08:00am - 18:00pm nor at any time on Sunday or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

- 8 The development hereby approved shall be carried out in strict accordance with the details provided within the Noise Management Plan by William Cartwright (submitted 15th January 2019) and shall be implemented and maintained as such thereafter for the entirety of the micro bar being in use.

Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the amenity of neighbouring properties located adjacent to the micro bar hereby approved.

### **Standard Note(s) to Applicant:**

1. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
2. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.

3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact Craven District Council Development Management for clarification prior to the commencement of any works.
4. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a fee. A fee of £34 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car parking, etc., and £116 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at [www.cravendc.gov.uk/planning](http://www.cravendc.gov.uk/planning). We have 8 weeks in which to make our decision, after this date, you can appeal to the Secretary of State. You should note that if you have had no response within 12 weeks, then the fee has to be refunded.
5. Please note this application is for a change of use only and this permission does not allow for any alterations to the premises that may require separate planning permission. External alterations to the frontage of the premises, which is located within the Skipton Conservation Area, are likely to require planning permission.
6. The applicant should note that any conditions attached to a licensing application submitted to allow the change of use hereby approved to operate, must be complied with in tandem to conditions provided within this decision.
7. Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraph 38 of the NPPF.



**Neville Watson**  
**Planning Manager**  
**(Development Management)**

**GENERAL DEVELOPMENT PROCEDURE ORDER 2015**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000

Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Website: [www.gov.uk](http://www.gov.uk)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## NOISE MANAGEMENT PLAN

Proposal: Change of use from retail to a microbar (use class A4)

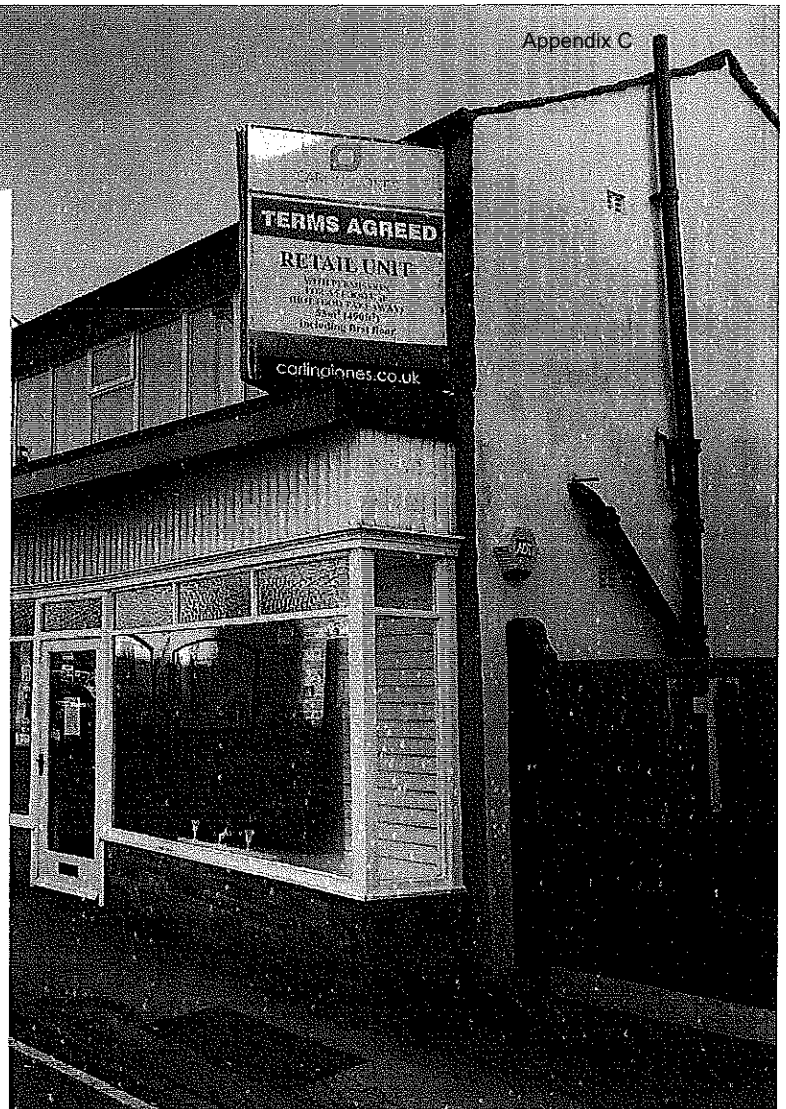
Site address: 9 - 11 Court Lane, Skipton, BD23 1DD

Client: Mr Simon Greaves

Date: 15 January 2019

Revision: 1

Prepared by: William Cartwright BA(Hons)  
DipTRP MRTPI



# HPD

Heritage Planning Design Ltd

82 Park Road, Bingley, BD16 4EJ

[heritageplanningdesign.co.uk](http://heritageplanningdesign.co.uk)



## INTRODUCTION

1. The aim of this document is to identify the various sources of potential noise associated with the proposed microbar (use class A4) at 9 - 11 Court Lane, Skipton, and to explain how they will be managed and mitigated. If it is considered necessary by the Local Planning Authority (LPA) the Applicant does not object to the measures outlined being required by planning condition(s). Alternatively, the LPA may wish to impose a planning condition requiring adherence to this noise management plan. For example:

*The approved development shall operate in strict accordance with the submitted Noise Management Plan, revision 1, dated 15 January 2019, except where other conditions require or specify otherwise.*

## NOISE SOURCES & PROPOSED MITIGATION

### Deliveries

2. The Applicant envisages that he will collect some supplies in his car and that others will be delivered by small breweries, such as Bingley Brewery, Naylor's Brewery and Saltaire Brewery, who normally use Ford Transit Van sized vehicles. Deliveries are typically expected to occur between 11:00 and 16:00 Monday to Friday and will have a negligible impact over and above existing commercial deliveries and activity in the area.

3. The proposed draft planning condition, which prohibits deliveries outside of the hours 8:00 to 18:00 and at any time on Sundays or Bank Holidays, will be strictly adhered to.

### Waste Management & Disposal

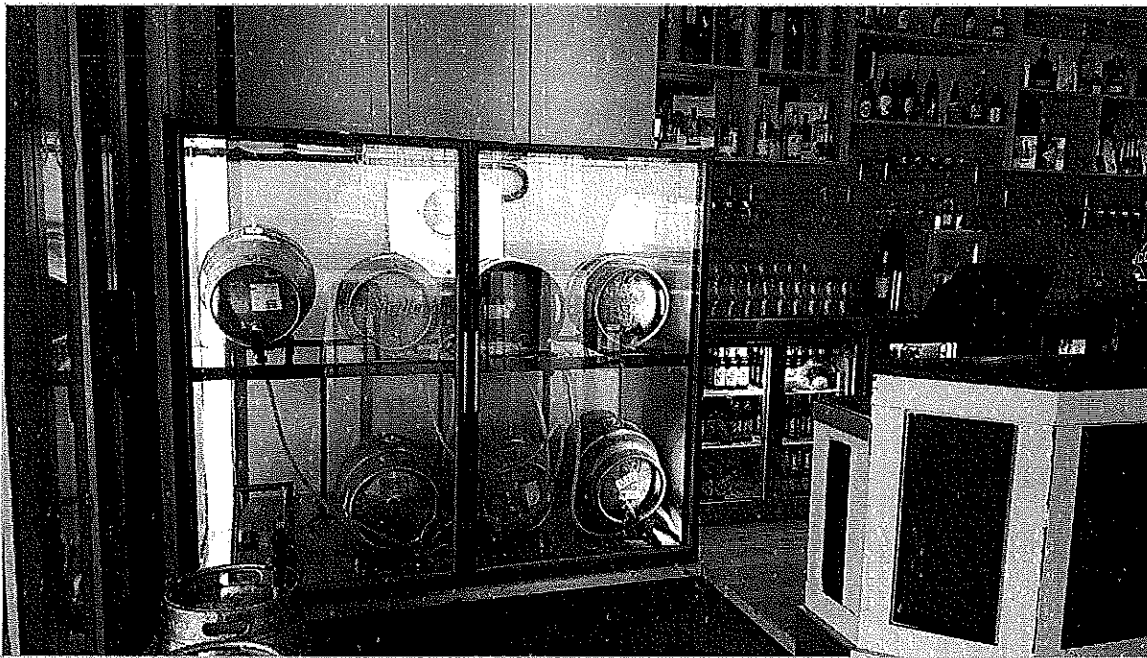
4. Only limited amounts of waste and recycling will be generated by the microbar with most drinks being stored in casks and kegs that are reused. The waste and recycling that is generated will be stored internally and collected by Craven District Council or removed by the Applicant under licence daily. These approaches have been discussed and agreed with Craven District Council Waste and Recycling Section.

5. An alternative would be to rent space for waste and recycling bins within the car park to the rear of the hotel, which is owned by Carling and Carling Properties Ltd, who currently have car parking spaces to let. If this solution is implemented under no circumstances will glass bottles be deposited into external bins after 18:00.

### Cooling & Refrigeration

6. Casks and kegs will be chilled by a refrigerated glass or perspex fronted display cabinet, located behind the bar, similar to that shown below (figure 1). A further similar installation exists locally at The Beer Engine, 1 Albert Street, Skipton. Bottled and canned drinks will be stored in fridges and/ or the display cabinet. Due to its small size the chilled display cabinet will not require an external condenser unit and any limited noise generated will not be audible externally.

Figure 1: Example of similar cask/ keg display cabinet installed at a microbar



### Smoking Outside

7. The Applicant cannot stop patrons leaving the premises to smoke on the public street but they will seek to reduce such activities by prohibiting any alcohol consumption off the premises and permitting vaping internally within the up-stairs room. The Applicant's target demographic is also less likely to smoke than average. As a consequence, the number of patrons that smoke outside of the premises is expected to be limited.

8. Any patrons smoking outside and being excessively noisy will not be served any further drinks and politely asked to move on.

### Drinking Outside

9. The Applicant is to prohibit the consumption of alcohol off the premises.

### Music

10. The Applicant intends to play low-level recorded background music to create a relaxed ambiance. This will be played below the volume of conversational speech which is typically around 60 decibels (see noise chart attached as appendix 1) and the Applicant will operate the premises in accordance with the following restriction:

*Music shall not exceed a volume of 60 decibels, measured internally directly adjacent to the front door of the premises. The operator shall maintain a sound level meter on-site to enable effective monitoring and ensure compliance.*

11. The background music will not be audible by nearby residential neighbours from within their properties.

### **Drunkenness**

12. Drunkenness is a major contributor to noise associated with the night time economy. The proposed microbar is to be targeted at older (30 years +) and more discerning patrons, who are less likely than average to be drunk and noisy. This will be achieved by:

- Serving only quality alcoholic beverages at prices that seek to avoid excessive consumption (i.e. encouraging the consumption of quality over quantity)
- Creating a relaxed ambiance with only low-level background music
- Refusing to serve any drunken persons, in strict accordance with the Licencing Act 2003
- Politely asking drunken persons to quietly leave the premises

13. As a consequence, it is expected that incidents of drunk and noisy behaviour associated with the premises will be rare and there will not be any significant impact upon neighbours, over and above existing noise associated with the night time economy.

### **Adjacent Uses**

14. The premises share party walls with a tapas restaurant and a hotel. The tapas restaurant is not noise sensitive and the adjacent room within the hotel is a kitchen with late night bar at lower ground floor level. Given the limited amount of noise likely to be generated it is not necessary to insulate the party walls against noise.

15. It is acknowledged that there are a number of residential apartments in the surrounding area, including the Providence Court complex, at the opposite side of Court Lane. However, due to the nature of the proposed business and the mitigation measures outlined in this report the proposal will not have a significant impact upon neighbours, over and above existing noise levels in this busy town centre location.

## APPENDIX 1 – NOISE LEVEL CHART

[Home](#)[Examples of noise](#)[How it affects you](#)[SOLUTIONS!](#)[Ear plugs, ear muffs](#)[White noise](#)[Noise cancellation](#)[Soundproofing](#)[Quieter products](#)[More ideas ...](#)[Facts & figures](#)[Fun & function](#)[Hail from readers](#)[Latest site updates](#)[Site map](#)[About this site](#)[Contact me](#)[Subscribe to Noise Help site updates](#)

## Noise Level Chart

Like 389

A noise level chart showing examples of sounds with dB levels ranging from 0 to 180 decibels.

dBA	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
...			
194	sound waves become shock waves		

Most noise levels are given in dBA, which are decibels adjusted to reflect the ear's response to different frequencies of sound. Sudden, brief impulse sounds, like many of those shown at 120 dB or greater, are often given in dB (no adjustment).

### Noise Chart

Specifics about the measurement of a particular sound source can be found in the [Noise Navigator® Sound Level Database](#), E-A-R 88-34/HP, by Elliott H Berger, Rick Neitzel, and Cynthia A Kladden, E-A-RCAL Laboratory, 3M Occupational Health & Environmental Safety Division, an extensive compilation of data on noise level measurements, including many of the values appearing on this chart.

Learn more:

[What is a decibel?](#)[What are the safe noise exposure limits?](#)

Get a poster or quality print of this noise chart!  
[Choose your size here.](#)



#### Jump to:

[FAQ: Noise & Noise Pollution](#)[Safe Noise Exposure Chart](#)[Safe iPod Use](#)[Hearing Protection for Kids](#)[Quotes about Noise & Silence](#)

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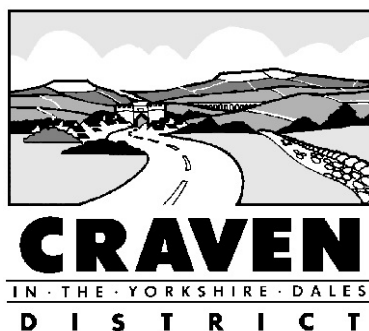
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#### Affiliate Disclosure:

Some of the links on this website are [affiliate links](#), which means that I may earn a commission if you click on the link or make a purchase using the link. When you make a purchase, the price you pay will be the same whether you use the affiliate link or go directly to the vendor's website using a non-affiliate link. By using the affiliate links, you are helping support the noisehelp.com website, and I genuinely appreciate your support.

Sarinne Fox  
 Creator and author of noisehelp.com

This website is powered by [SBI!](#)



## Development Management

Craven District Council  
1 Belle Vue Square  
Broughton Road  
SKIPTON  
North Yorkshire  
BD23 1FJ

(Main Switchboard) Telephone: 01756 700600  
Email: [planning@cravenc.gov.uk](mailto:planning@cravenc.gov.uk)

Heritage Planning Design Ltd  
82 Park Road  
Bingley  
BD16 4EJ

## PLANNING DECISION NOTICE

Town and Country Planning Act 1990

Application No:	2020/21411/VAR
Date Received:	14th February 2020
Applicant:	The Ref & Whistle
Proposal:	Application for variation of condition no's 2 (Approved Plans) and 8 (Noise Management Plan) on previous consent referenced 2019/19739/COU granted 19th February 2019
Location:	9 - 11 Court Lane, Skipton, BD23 1DD
Decision/Date	16th July 2020

The Craven District Council has considered this application under the Town and Country Planning Act 1990 (as amended) and **Grants Planning Permission** for the development described above.

This permission is granted subject to the following Condition(s) and Reason(s) which are laid out in the order by which they must be complied with:-

### Approved Plans

1 This permission relates to the following plans:

- Location Plan, received 7th Feb 2020;
- Existing Floor Plans, received 14th September 2018;
- Proposed Floor and Roof Plans ref 01 rev A received 7th Feb 2020
- Property Spec, received 14th September 2018;
- Planning Statement, received 17th September 2018.
- SRK50ZS-S Air conditioning specification sheet received 7th Feb 2020
- SRK-ZSP-W Air condition specification sheet received 7th Feb 2020
- Fastline cooler technical manual received 7th Feb 2020

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.



Paul Shevlin, Chief Executive  
Calls may be recorded for training and monitoring purposes  
For general enquiries telephone 01756 700600  
[www.cravenc.gov.uk](http://www.cravenc.gov.uk)



Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the National Park Authority) Local Plan and the National Planning Policy Framework.

### Ongoing Conditions

- 2 Amended condition: The external air cooling/heating systems shall be fitted in accordance with the approved details and retained thereafter. If the air cooling/heating systems become redundant to their designated use, the air cooling/heating systems and all associated infrastructure hereby approved shall be removed within 3 months of the units becoming redundant.

Reason: In the interests of the visual amenities and the character and appearance of the conservation area in accordance with policies ENV2 & ENV3 of the Craven Local Plan 2012 - 2032 and the National Planning Policy Framework.

- 3 Amended condition: All existing first floor windows of the micro bar hereby approved, shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity), these windows shall also be non-opening. The windows shall be obscured and fixed and shall therefore be retained.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking and noise disturbance between the development and adjacent properties in order to preserve the privacy of neighbouring dwellings and to accord with policy ENV3 of the Craven Local Plan 2012 - 2032 and the National Planning Policy Framework.

- 4 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4m about the footway level and no closer than 0.5m from the edge of the carriageway and shall be maintained in a condition that does not endanger the public.

Reason: To protect pedestrians and other highway users and to accord with the National Planning Policy Framework.

- 5 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4m they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5m of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: To protect pedestrians and other highway users.

To be revised

- 6 No deliveries shall be received or dispatched from the premises outside the hours of 08:00am - 18:00pm nor at any time on Sunday or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

- 7 The development hereby approved shall be carried out in strict accordance with the details provided within the Noise Management Plan by William Cartwright (dated 3rd February 2020) and shall be implemented and maintained as such thereafter for the entirety of the micro bar being in use.

Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the amenity of neighbouring properties located adjacent to the micro bar hereby approved to accord with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 8 Live music shall be restricted to acoustic musicians only with no amplification; all the windows and doors of the premise shall be closed during performances. The live music sound Level (LAeq, 2 minutes) from the premise shall not exceed the representative background sound level (L90, 2 minutes) by more than 5dB(A) between the hours of 0:00 - 23:00 and shall not exceed the representative background sound levels between 23:00 - 07:00.

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise and to accord with Policy ENV3 of the Craven Local Plan 2012 - 2032 and the National Planning Policy Framework.

- 9 No amplified music shall be produced or played within or outside of the premises.

Reason: To protect the amenities of adjacent residents and to accord with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

**Standard Note(s) to Applicant:**

1. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
2. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact Craven District Council Development Management for clarification prior to the commencement of any works.
4. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a fee. A fee of £34 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car parking, etc., and £116 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at [www.cravencd.gov.uk/planning](http://www.cravencd.gov.uk/planning). We have 8 weeks in which to make our decision, after this date, you can appeal to the Secretary of State. You should note that if you have had no response within 12 weeks, then the fee has to be refunded.

5 **Statement of Positive Engagement:**

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



**Neville Watson**  
**Planning Manager**  
**(Development Management)**



## **GENERAL DEVELOPMENT PROCEDURE ORDER 2015** **TOWN AND COUNTRY PLANNING ACT 1990**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000

Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Website: [www.gov.uk](http://www.gov.uk)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## NOISE MANAGEMENT PLAN

Proposal: Variation of conditions 2 and 8 of application ref. 2018/19739/COU for "Change of use from retail to a microbar" (use class A4)

Site address: The Ref & Whistle, 9 - 11 Court Lane, Skipton, BD23 1DD

Client: Mr Simon Greaves

Date: 03 February 2020

Revision: 2

Prepared by: William Cartwright BA(Hons)  
DipTRP MRTPI



# HPD

Heritage Planning Design Ltd

82 Park Road, Bingley, BD16 4EJ

[heritageplanningdesign.co.uk](http://heritageplanningdesign.co.uk)

## INTRODUCTION

1. The aim of this document is to identify the various sources of potential noise associated with the approved drinking establishment (use class A4) at 9 - 11 Court Lane, Skipton, and to explain how they will be managed and mitigated. The application (ref. 2018/19739/COU) was approved on 19 February 2019, subject to the following condition:

*8. The development hereby approved shall be carried out in strict accordance with the details provided within the Noise Management Plan by William Cartwright (submitted 15th January 2019) and shall be implemented and maintained as such thereafter for the entirety of the micro bar being in use.*

*Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the amenity of neighbouring properties located adjacent to the micro bar hereby approved.*

2. The Applicant has been asked by the LPA to revise the aforementioned Noise Management Plan (revision 1, dated 15 January 2019), since they were in breach of limitations that allowed only the playing of recorded background music and internal beverage cooling equipment. This revised Noise Management Plan (revision 2, dated 3 February 2020) has been provided accordingly, with up-dates also made to reflect the fact that the use is now authorised and operational.

## NOISE SOURCES & PROPOSED MITIGATION

### Deliveries

3. Deliveries are restricted by condition 7 of application ref. 2018/19739/COU. Previous information in this regard, which was set out within revision 1 of this Noise Management Plan, has therefore been deleted.

### Waste Management & Disposal

4. Only limited amounts of waste and recycling are generated by the drinking establishment with most drinks being stored in casks and kegs that are reused. The waste and recycling that is generated is stored internally and collected by Craven District Council.

5. An alternative future solution would be to rent space for waste and recycling bins within the car park to the rear of the hotel, which is owned by Carling and Carling Properties Ltd, who currently have car parking spaces to let. If this solution is implemented under no circumstances will glass bottles be deposited into external bins after 18:00.

### Cooling & Refrigeration

6. The Applicant's original intention, as set out in revision 1 of this Noise Management Plan, was for beverages to be chilled by a refrigerated glass or perspex fronted display cabinet that would not require an external condenser unit. However, on the advice of brewery engineers installing cooling equipment, the cabinet was enlarged to a small room and relocated, as shown by the proposed floor plans submitted (revision 1, dated 31 January 2020). Initially, the condenser unit was accommodated internally but it proved to be ineffective and the Applicant commissioned their own cooling engineer to install a new system that comprises

a Fastline FLM 30 internal unit with a FLO 35 external unit, which is located in the roof valley, as shown by the submitted roof plan (revision 1, dated 31 January 2020). This Noise Management Plan (revision 2, dated 3 February 2020) includes the retention of all installed cooling equipment, which is efficient and quiet.

### **Smoking Outside**

7. The drinking establishment cannot stop patrons leaving the premises to smoke on the public street but they will seek to reduce such activities by prohibiting any alcohol consumption off the premises and permitting vaping internally, at least within the up-stairs room.

8. Any patrons smoking outside and being excessively noisy will not be served any further drinks and politely asked to move on.

### **Drinking Outside**

9. The drinking establishment is to prohibit the consumption of alcohol off the premises.

### **Music**

10. The drinking establishment plays low-level recorded background music to create a relaxed ambiance. This is played below the volume of conversational speech which is typically around 60 decibels and the premises is to operate in accordance with the following restriction:

*Recorded music shall not exceed a volume of 60 decibels, measured internally directly adjacent to the front door of the premises. The operator shall maintain a sound level meter on-site to enable effective monitoring and ensure compliance.*

11. Additionally, in response to customer demands, this revised Noise Management Plan (revision 2, dated 3 February 2020) allows the premises to play live non-amplified music between the hours of 12:00 and 21:00. This live music is not subject to the above 60 decibel limitation but must not be amplified or played outside of the above hours.

### **Drunkenness**

12. Drunkenness is a major contributor to noise associated with the night time economy. The drinking establishment is targeted at older (30 years +) and more discerning patrons, who are less likely than average to be drunk and noisy. This will be achieved by:

- Serving only quality alcoholic beverages at prices that seek to avoid excessive consumption (i.e. encouraging the consumption of quality over quantity)
- Creating a relaxed ambiance with only low-level background music and limited live music, as outlined above
- Refusing to serve any drunken persons, in strict accordance with the Licencing Act 2003
- Politely asking drunken persons to quietly leave the premises

END OF NOISE MANAGEMENT PLAN

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**By email 01/07/2019 Email Mr Stephen Burrow to Tim Chadwick**

Hi Tim,

Please see below email for some of the details. I did witness some of the carrying on, towards the back end, myself from my balcony. I initially thought we were experiencing a really, really noisy afternoon from Wetherspoons. However, Court Lane had apparently become The Ref and Whistle's beer garden and children's playground for the afternoon.

Regards

Steve Burrow

From: [REDACTED]

Date: Sun, 30 Jun 2019 at 08:21

Subject: Ref and Whistle

To: [REDACTED]

Cc:

Hi Steve

Not sure if you heard all the commotion yesterday afternoon. We turned into Court Lane at around 4pm and there was a crowd of people drinking on the pavement/road with a baby in a pram and very noisy children. It was hard for cars to pass them. This went on until around 6pm when the crowd dispersed and the noise suddenly stopped. We think that someone must have reported him - might be worth a look on the cctv. We also noticed that the door was closed for a while - even though he has had it open all week. All the fears have been realised on the first weekend. Luckily it was quiet in the evening!

[REDACTED]

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**By Email 03/07/2019 Tim Chadwick To Mr Burrow**

Hello,

I will speak with Mr Greaves regarding this.

I would suggest a record is kept of incidents, so that should it be required and environmental health are to investigate there is record of incidents to help them. Also should a review of the licence ever be instigated it would support the application to review a licence.

Many thanks,

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**By Email 03/07/2019 Mr Burrow to Tim Chadwick**

Good Afternoon Tim,

Thank you for offering to speak to Mr Greaves regarding the disturbance and the drinking outside the premises on Saturday. It is appreciated.

I presume the supply of any drink (alcoholic or non-alcoholic) for consumption 'off premises' is not allowed as it would be classed as 'take away'. This was residents' understanding of one of the reasons why Late Night Refreshment was not approved for 'outside' at the Licensing Hearing. The other reason was because it encouraged patrons to gather outside the premises, causing a greater risk of disturbance, as was proved on Saturday.

A number of residents have spoken to me about Saturday's disturbance but they have also expressed their confusion about the entrance door being left open and the bin that remains on the public pavement. I did raise both matters at the Hearing but it is not clear what the actual judgments were.

There is a Planning Condition that the small upstairs windows should be fixed shut to prevent noise disturbance but this would be nonsense if the entrance door is allowed to be left open, creating an even greater risk of noise disturbance. I agree that this is a moot point if the pubs' customers are outside on the public pavement.

The Decision Notice does suggest that "the applicant look into whether a bin could be provided fastened to the outside of the premises." However, it doesn't clarify if he needs permission to continue to leave a bin on the public pavement.

I shall pass on your advice regarding keeping a record.

Kath and I did call in at the Ref and Whistle last Thursday. We had a drink and a long friendly chat with Mr Greaves. We therefore feel especially let down by Mr Greaves on Saturday. We have no doubt that he will have another 'excuse' for Saturday.

Kind regards

Steve Burrow

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**09/07/2020 Email from Mr Burrow to CDC**

Dear Craven District Council Licensing,

**Re: Ref and Whistle, 9-11 Court Lane, Skipton.**

Further to my emails to Tim Chadwick, regarding the disturbance from the Ref & Whistle on Saturday 29th June (see below email trail), I would like to highlight the following issues and questions regarding this new Public House.

**Pavement Signage:**

As detailed in Section 10 of my representation for the Licensing application (appendix E of the Licensing Manager's report), I did raise concerns regarding the potential of additional pavement signage appearing once the Premises Licence was granted. These concerns have now been quickly realised at both ends of Court Lane. These signs do represent public



nuisance and public safety issues. **What is Craven District Council's policy on pavement signage?**



#### **Noise Nuisance due to open windows and door:**

A condition of the Planning Approval for the premises stated that the upstairs windows should be 'non-opening'. The upstairs windows of the public house were left open for at least 4 hours on both Sat 6th and Sun 7th July, in contravention of the Planning Approval (see photo below). It is clear that Mr Greaves has never intended to comply with this condition. **It is now also clear that the only way to enforce this condition is to ensure that the windows are 'fixed shut' and rendered 'non-opening'.**

Cllr Shuttleworth went to great lengths at the Jan 24th Planning Meeting to mitigate the problem of noise nuisance through open windows. I have copied this email to Cllr Shuttleworth as his concerns and efforts are not being respected.



Mr Greaves, was seen to be quite keen to keep the entrance door shut during the pub's running under Temporary Events Notices. Mr Greaves was obviously keenly aware that leaving the door open would give rise to noise nuisance and complaints, and may have affected his Licence application (his only concern in reality). Since the granting of his Premises Licence Mr Greaves' concerns about noise nuisance from the open entrance door have evaporated completely, e.g. this weekend the entrance door was left open all day and all evening on both Saturday and Sunday. This has resulted in noise nuisance during busy periods, both during the day and during the evening. **If the upstairs windows should have to remain closed to prevent noise nuisance, shouldn't the entrance door, for the same reason, have to remain closed except for patrons entering and leaving the premises?**

#### **Noise Nuisance from mobile phone use:**

One issue that I did mention as a noise nuisance at the recent Licensing Hearing was patrons leaving the pub to make or receive mobile phone calls immediately opposite residential properties. Consequently, Mr Greaves is aware that this is an issue. It does, therefore, highlight Mr Greaves' gross lack of regard for very nearby residents when he himself not only leaves the pub but wanders to the other side of Court Lane and onto private land belonging to the Providence Quarter whilst using his mobile phone, **bringing this noise nuisance to immediately outside residents' premises.** He was seen doing this around 13:55 on the 6th July and again on Monday evening, 8th July, around 18:35, when he was seen wandering all around the cobbled area immediately beneath residents' balconies .





### **External Bin on the Public Pavement:**

A question that has still not been answered is **whether permission is required to place a bin on the public pavement?** Mr Greaves' Operating Schedule stated that there would only be internal bins provided, yet the external bin still remains on the public pavement. The Licensing Decision Notice stated that Mr Greaves should look into whether a bin could be fastened to the outside of the premises, although this would need to comply with the Planning approval, i.e. *5 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4m about the footway level and no closer than 0.5m from the edge of the carriageway.*

### **Deliveries completely blocking Court Lane:**

Mr Greaves' Noise Management Plan, which adherence to is a strict condition for both Planning and Licensing approvals, indicates that deliveries would be in transit sized vehicles and would have a negligible impact. However, a large wagon completely blocked Court Lane to two way traffic for around 15 minutes at midday on Tuesday 2nd July 2019. I have heard that there was a similar delivery by a large wagon today that also caused disruption to traffic by completely blocking Court Lane.

**Mr Greaves should make alternative arrangements for these deliveries so that they are in line with his Noise Management Plan.**

Yours sincerely

Mr S Burrow  
310 Providence Quarter

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**By Email 03/12/2019 - Stephen Burrow**

Dear Tim Chadwick,

I have been advised, by Skipton Councillors, that I need to report the following licensing infringements by the landlord of the Ref & Whistle Pub on Court Lane, Skipton.

The landlord has been advertising and holding live music events (local buskers) at the Ref &

Whistle since September 2019.

A resident did report this issue as a planning approval infringement on 30th September 2019. The resident was later told by CDC planning that the landlord had been informed that he was not allowed to hold any further live music events as this does not adhere to his own Noise Management Plan, which is a key condition of his planning approval. In order to hold any further events he was told that he needed to apply for permission from planning and to have a new Noise Management Plan approved by them.

The landlord has continued with the live music events (2nd and 4th Sunday of every month), seemingly blatantly ignoring the instructions of CDC planning. The latest live music event was last Sunday (see attached photos below). The landlord appears to have moved on from local buskers to more professional local musicians.

At the licensing hearing the landlord was informed by the licensing chairman that he must strictly adhere to his Noise Management Plan as a licensing approval condition, therefore these Live Music Events must be considered as licensing approval infringements. I distinctly remember the chairman giving the landlord a very stern warning of the consequences of any infringements. The ignoring of the very specific instructions of CDC planning must make these quite serious infringements.

Local residents have expressed concerns about raising issues such as these with Craven District Council as the landlord does not appear to take these reports well.

I personally had to speak with the landlord at the end of September regarding workmen and delivery drivers using our private land as the Ref & Whistle car park, blocking access to our own car park. He didn't threaten me personally but his manner was certainly aggressive and his language robust. He was absolutely livid because a resident had questioned whether he was allowed to have flashing lights in the window, as it was a conservation area, and if he was allowed to have the air conditioning units he had already installed on the roof, as this was another direct contravention of his planning approval. I believe these were perfectly reasonable questions for the resident to raise. The landlord said, "They", pointing at the Providence Quarter building, "can stick their complaints up their arse! I'm just going to do what I want from now!" This certainly wasn't the timid, butter wouldn't melt in my mouth chap that appeared at the licensing hearing! Residents do fear that reporting any issues, justified or not, will only make matters worse for us. Many feel we're in a lose/lose situation, which cannot be right. However, I have been strongly advised by Councillors to raise these issues so I hope they are given serious consideration.

If you require any further information or assistance please let me know.

See photos below...

Yours sincerely

Steve Burrow  
3.10 Providence Quarter



**10/12/2019 Email attachment to Mr Burrow in reply;**

Dear Mr Burrow,

Thank you for your email dated 4<sup>th</sup> December 2019, reporting potential infringements of the premises licence for the Ref & Whistle, Court Lane, Skipton. You have said that the licence holder “has been advertising and holding live music (local buskers) at the Ref and Whistle since September 2019.”

The playing of live music at the premise is permissible under the Live Music Act 2012. The Act deregulated amplified live music on a licensed premise provided the premises are licensed for alcohol on sales, it is between 0800-2300hrs and the audience does not exceed 500. For unamplified music there is no audience cap. Any licensing conditions to the contrary do not apply unless re-imposed following a formal review of the licence.

I understand the noise management plan, submitted with the application for planning permission and which forms the basis of a condition to the planning permission granted, limits noise to not exceeding 60 decibels.

The premise licence granted on 24<sup>th</sup> June 2019 under the Licensing Act 2003, does not include a condition requiring the licence holder to comply with that noise management plan.

Enforcement of the noise management plan is a matter for the planning enforcement team and I have forwarded a copy of your email to them.

If activities on the premise are causing a noise nuisance, please do report this to the Environmental Health team: [environmentalhealth@cravendc.gov.uk](mailto:environmentalhealth@cravendc.gov.uk). Environmental Health, under the Licensing Act 2003, have the power to instigate a review of a premise licence if they have evidence of a frequent noise nuisance.

I will continue to monitor the premise to ensure that the conditions of the premise licence are being adhered to.

Kind Regards,

Tim Chadwick

Licensing Manager

**11/12/2019 Email from Mr Burrow**

Dear Tim Chadwick,

Thank you for your recent email (10th December 2019) regarding the Live Music events being held by the Ref and Whistle Pub on Court Lane, Skipton.

Whilst your response is greatly appreciated, a number of residents, including myself, are a little confused by your statement, "*The premise licence granted on 24th June 2019 under the Licensing Act 2003, does not include a condition requiring the licence holder to comply with that noise management plan.*"

We distinctly remember the chairman of the Licensing Sub-committee, Cllr Moorby, clearly stating in his conditions that "the noise management plan had to be strictly adhered to."

Cllr Solloway, who was a member of the Licensing Sub-Committee on 24th June 2019, has confirmed to me that he also remembered Cllr Moorby stating this as a condition of the Premises Licence.

I have just listened to the recording of the Licensing Sub-committee meeting of 24th June 2019 and it confirms that Cllr Moorby, in his list of conditions for the Premises Licence, unambiguously stated that "the Noise Management Plan has to be strictly adhered to."

The recording is located here: <https://soundcloud.com/cravendistrictcouncil/licensing-and-appeals-24-june-2019-part-dmp3>

The list of conditions are mentioned towards the end of the recording, starting at 59:45, with the Noise Management plan condition mentioned at 1:00:10. I have attached a sound file of this section of the recording in case this is an easier option for you.

Section 10 of Mr Greaves' own Noise Management Plan clearly states:-

*The Applicant intends to play low-level recorded background music to create a relaxed*

*ambiance. This will be played below the volume of conversational speech which is typically around 60 decibels and the Applicant will operate the premises in accordance with the following restriction:*

*Music shall not exceed a volume of 60 decibels, measured internally directly adjacent to the front door of the premises. The operator shall maintain a sound level meter onsite to enable effective monitoring and ensure compliance.*

Live music events, whether amplified or not, clearly do not comply with Mr Greaves' own Noise Management Plan, which Cllr Moorby definitely stated had to be strictly adhered to as a condition of the Premises Licence.

Allowing Mr Greaves to blatantly ignore his own promises (again) will just further fuel his threat to just do as he wants!

Yours sincerely

Mr S Burrow  
310 Providence Quarter.

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**Email 17/12/2019 From Annette Moppett to Mr Burrow**

Dear Mr Burrow,

Thank you for your email of the 11<sup>th</sup> December 2019 (14:27), which the Licensing Manager has passed to me to reply in my role as the senior manager with responsibility for the service.

I have re-read the decision of the Licensing and Appeals Sub-Committee, which met on the 24<sup>th</sup> June 2019 to consider the application for the grant of a premise licence for the 'Ref & Whistle', 9-11 Court Lane, Skipton. I have listened to the recording of the hearing and also sought the views of the Legal Services Manager who was the legal advisor to the hearing.

Councillor Moorby, the Chairman, says "*the planning decision point 8, the noise management plan (NMP), has to be strictly adhered to*". I am satisfied that the Sub-Committee were emphasising to the applicant that the requirement to comply with the NMP was already a condition of the planning permission and one which they supported. The decision notice was signed off by the Chairman before it was issued.

Had the Sub-Committee considered imposing a condition relating to the NMP, the Legal Services Manager would have advised the members that the statutory guidance issued under section 182 of the Licensing Act 2003, states that the Licensing Authority should avoid duplication with other statutory and regulatory regimes. In this case, the Local Planning Authority had granted planning permission under the Town and Country Planning Act 1990 for the change of use of the premises to a microbar, subject to a condition that the NMP must be implemented and maintained whilst the microbar is in use. Failure to comply with a Breach of Condition Notice issued under the 1990 Act can ultimately lead to a prosecution.

For the Sub-Committee to impose a similar condition would have amounted to duplication contrary to the statutory guidance and open to legal challenge.

As Mr Chadwick advised in his email of the 10<sup>th</sup> December, failure to comply with the NMP is a matter for the Planning Enforcement Team and he has referred your complaint to them.

This does not mean there is nothing that can be done. You could seek a review of the premise licence for the Ref & Whistle. Below is an extract from the Council's Statement of Licensing Policy (August 2016):

*"Responsible Authorities and "Other Persons" may apply to review a licence or certificate where it is believed an operator of a licensed premise is, in their opinion, not complying with the promotion of any of the four licensing objectives.*

*An application for a review should be supported by sufficient and relevant evidence showing why the applicant considers that the premises has undermined the licensing objectives. This may include a diary of events and any potential witnesses.*

*A review application will usually result in a hearing before the Licensing and Appeals Sub Committee at which the person who requested the review and the licence holder will be invited to attend."*

Mr Chadwick has also advised you to report any noise nuisance to Environmental Health. This is important because Environmental Health are a Responsible Authority under the Licensing Act 2003 and may also apply to review the premise licence.

Regards

Annette Moppett

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**Email 19/12/2019 from Mr Burrow to Annette Moppett**

Dear Annette Moppett,

Thank you for your email of the 17th December 2019 (11:25). It is appreciated that you have taken the time to compose a detailed response.

All that the residents are expecting from Craven District Council is that Mr Greaves, the premise licence holder for the 'Ref & Whistle', 9-11 Court Lane, Skipton, is held to the agreements he made to abide by the conditions set by Craven District Council's Planning and Licensing Committee members, and by the licence holder himself in his own Noise Management Plan. That is all we are asking for. Unfortunately, we are finding it surprisingly impossible to achieve. We are not seeking for Mr Greaves to lose his premise licence.

Mr Greaves has continually flouted these agreements, ignored Craven District Council's authority and more (for example: pouring commercial waste down the public storm drain (which is an offence) and using the public bin at the end of The Ginnel to dispose of other waste (also an offence)), yet Craven District Council always appears powerless or very unwilling to do anything about these breaches of conditions. It always seems that it is us, the residents, that are the guilty party when reporting these issues.

It has been very disconcerting to learn that conditions demanded by committee members are so easily overturned, or are seemingly unenforceable.



It was further disconcerting to be told that Cllr Moorby didn't actually have the authority to state that Mr Greaves had to 'strictly adhere to his own Noise Management Plan' and that this was not, after being given the contrary impression at the hearing, a premise licence condition.

If adhering to the Noise Management Plan is purely down to Planning then it is unfortunate that they appear not to share Cllr Moorby's view on adherence. This renders his words at the hearing even more misleading.

We shall continue to report the license holder's breaches of conditions. We would not want it to be viewed that we were condoning them. This, however, is exactly what Craven District Council appears to continue to do.

Yours sincerely

Mr S Burrow

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**Email 06/01/2020 From Mr Burrow to Annette Moppett**

Dear Annette Moppett,

Thank you for your concern regarding the issues raised in my email of 19 Dec 2019 [19:54].

Condition 8 of the Planning Approval for the Ref & Whistle pub on Court Lane is indeed very precise in stating that Mr Greaves, the pub owner, is required to strictly adhere to his own Noise Management Plan:

*"8 - The development hereby approved shall be carried out in strict accordance with the details provided within the Noise Management Plan by William Cartwright (submitted 15th January 2019) and shall be implemented and maintained as such thereafter for the entirety of the micro bar being in use.*

*Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the amenity of neighbouring properties located adjacent to the micro bar hereby approved."*

For it to be included in the Planning Approval, as I am sure you will be aware, this condition must have passed the 6 tests as stated in Paragraph 55 of the National Planning Policy Framework, i.e.: conditions need to be:

- 1) necessary;
- 2) relevant to planning;
- 3) relevant to the development to be permitted;
- 4) enforceable;
- 5) precise; and
- 6) reasonable in all other respects.

The Planning Approval bears the signature of the Planning Manager, Neville Watson.

Therefore, the Planning Manager clearly agreed that all the conditions stipulated on the approval were necessary, precise, relevant, reasonable, and enforceable from the date the Planning Approval was issued.

The Planning department has been contacted a number of times about the 'live music events'. Planning have confirmed that these events definitely contravene the pub owner's own Noise Management Plan (and therefore the Planning Approval), which both Planning and Licensing clearly stated that Mr Greaves had to strictly adhere to. It was, therefore, very disappointing and frustrating to see Planning's lax interpretation of 'in strict accordance', and the National Planning Policy Framework's 6 tests, in their latest response on this issue:-

*"simply breaching the condition would not constitute sufficient grounds for formal action."*

This makes the statement '*in strict accordance with the details provided within the Noise Management Plan*' in the Planning Approval completely worthless. Planning did say that they would contact the owner. However, their response was seen as saying - If he ignores us we can't/won't really do anything about it. This just gives the green light for the owner to do just as he likes, and is exactly what Mr Greaves told me he would be doing.

Mr Greaves has once again blatantly contravened a clear, necessary, enforceable Planning Approval condition, one he was told by both Planning and Licensing that he had to strictly adhere to, so Mr Greaves should be made to comply, full stop!

Unfortunately, it is not just the Noise Management Plan that CDC Planning appears to have a lax attitude towards the adherence of.

For example:-

1) Condition 4 of the Planning Approval was very precise when it stated that before the development was occupied all the 1st floor windows needed to be non-opening/fixed shut. This very precise condition has been blatantly ignored by Mr Greaves from day one.

When residents initially reported contraventions of this condition to the Planning Manager his response was that there was no planning harm done if the windows were only open when the bar was closed for business, i.e. Mr Watson immediately relaxed this very precise, enforceable condition that had been deemed necessary by the Planning Committee. The 1st floor windows therefore remained 'easily openable' which Mr Greaves has taken further advantage of, further contravening this considered necessary planning condition.

During the use of Temporary Events Notice periods (used to get around the pub owner's inability to competently complete several licensing applications), which the Licensing Manager described as 'a unique situation', the bar owner was seen scurrying about after customers had entered and left the premises, ensuring that the front door and 1st floor windows were always closed at all times whilst trading. I actually thanked him personally for doing this at the licensing hearing, as this had helped reduce noise disturbance. It very soon became clear that this had not been out of consideration for his very near neighbours but had only been to reduce the risks of noise complaints before the licensing hearing was held. As soon as the premise license was granted the door and all the 1st floor windows were flung open during opening times. They have only just started to be closed but only because the cold weather arrived.



Residents again raised this blatant breach of Planning Approval a number of times with Planning but residents were soon told that Planning were no longer interested in any issues relating to the Ref & Whistle, unless they were dangerous, i.e. they had now completely negated this condition which had been deemed necessary by the Planning Committee. It seems a complete waste of council tax payers' money to hold Planning Committee meetings when their decisions can be so easily undermined.

The pub owner has now installed a pool table on the 1st floor so Condition 4 is even more pertinent now.



2) Condition 3 of the Planning Approval was also very precise when it stated that Mr Greaves had to apply for Planning Approval before installing any external ventilation equipment.

In August 2019 Mr Greaves again blatantly contravened planning conditions by, initially, installing 4 ventilation units on the outside of his premises. After being spoken to by the manager of the Boutique 25 Hotel, because these units did overhang the hotel's private land and/or due to them being clearly visible in a Conservation Area, Mr Greaves had the units moved to the roof of the premises, but only having 3 installed.

Residents did advise Planning of this latest contravention of planning conditions in September 2019. Planning did confirm that this was again a contravention of the Planning Approval. A request for permission from Mr Greaves was briefly seen on the Planning website at a later date. However, this was locked from public viewing for some reason. This request has since disappeared from the Planning website yet the external ventilation units remain in situ, almost 5 months on.

3) At the licensing hearing, Public Safety concerns were raised regarding the pub owner leaving a bin outside on the public pavement. It did appear that Cllr Moorby informed the owner, again during his listing of conditions of the premise licence, that he should fasten the bin to the building so that it was not on the public pavement. Tim Chadwick later stated that this had only been 'an advisory' statement. Nevertheless, the owner has not only totally ignored this request/advice from the Licensing Committee (the bin has remained on the public pavement 24/7 since the licence was granted, even when the pub is closed) but, since the middle of October, the bin has been joined on the public pavement by two tall potted plants during opening hours.

We believe condition 5 of the Planning Approval is also being contravened here:- *"5 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4m about the footway level and no closer than 0.5m from the edge of the carriageway. Reason - to protect pedestrians and other highway users."*



The 'commercial waste' offences, mentioned in my previous email, have not been reported as it soon became very clear to residents that neither Craven District Council nor North Yorkshire County Council were interested in any problems caused by the pub and its owner. For example:-

Residents tried to alert NYCC regarding public safety concerns caused by the number of street advertising signs that now litter the pavement at both ends of Court Lane. This had been highlighted as a potential Public Safety issue in representations to the Licensing Committee but had been totally disregarded. A resident said that they had been informed by NYCC that, "We know they shouldn't do this but we turn a blind eye to it."

It could be reasoned that Planning Approval Condition 5 may also apply here, ["To protect pedestrians and other highway users."](#)



As stated in my previous email, all that the residents are expecting from Craven District Council is that Mr Greaves, the premise licence holder for the 'Ref & Whistle', 9-11 Court Lane, Skipton, is held to the agreements he made to abide by the conditions set by Craven Districts Council's Planning and Licensing Committee members, and by the licence holder himself in his own Noise Management Plan. That is all we are asking for. Unfortunately, we are finding it surprisingly impossible to achieve. We are not seeking for Mr Greaves to lose his premise licence or to put him out of business.

Craven District Council's Planning and Licensing policies here are supposedly about balancing the interests of both the business in question and the very close by residents. However, to date, it seems that the pub owner is allowed to do just what he wants (Mr Greaves clearly indicated that he will do so, and has clearly ignored both Planning and Licensing instructions) but the residents have to go to extraordinary lengths just to try (very much unsuccessfully) to get planning and licensing conditions, that were deemed to be precise, necessary and reasonable, adhered to. The process so far has been completely unbalanced and, without doubt, has been hugely biased against the local residents. This can hardly be seen as 'fair'.

Yours sincerely

Mr S Burrow  
Director Providence Quarter Ltd  
On behalf of residents of Providence Quarter, Skipton.

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**Email 28/01/2020 From Mr Burrow to Annette Moppett**

Dear Annette Moppett,



I am wondering if anything positive came out of your meeting with the Planning Manager (Development Manager) on 13th January?

The Ref & Whistle is still holding the live music events (there was one last Sunday, 26th January), so it is fairly obvious that Mr Greaves has no intention at all of complying with his own Noise Management Plan, something that both Planning and Licensing clearly stated that he had to strictly adhere to.

Kind regards

Steve Burrow

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**Email 06/02/2020 Mr Burrow to Annette Moppett**

- Attached to the email Initial Representation to the application made for the premise in 2019
- Representation made at the Licensing Sub-committee.
- Copies of the Videos have been supplied for review

Dear Annette Moppett,

**Also for the attention of: Cllr B Shuttleworth and CDC Planning Enforcement.**

Thank you for your email of 28th January 2020, regarding Planning Enforcement, and for the Licence Review form, via Tim Chadwick.

It was interesting to read the article regarding CDC Planning Enforcement in a very recent edition of The Craven Herald. We gained some comfort from Cllr Shuttleworth's view that CDC's Planning Enforcement is not what it should be. We obviously agree wholeheartedly with this finding. Unfortunately, we are not confident that we will benefit at all from the proposed increase in resource or additional training, especially when considering the other planning debacles at places like Hellifield.

It is also interesting to note that it was Cllr Shuttleworth himself who requested the planning condition for the upstairs windows to be fixed shut before the Ref & Whistle started trading. The vote for the planning approval was very close (and very, very contentious), only passing by one vote. If Cllr Shuttleworth and other committee members had been aware that this, deemed necessary, planning condition was to be very quickly and easily negated by the planning manager it could very likely have affected the vote and the planning permission consequently refused at this stage. This would have produced a completely different outcome for the residents here, as the condition to restrict opening hours to those requested by the applicant, i.e. 12 to 9 pm, would have been applied. This is one reason why it is especially galling for residents to see these planning conditions being blatantly ignored by the pub owner and not enforced by Craven District Council.

The lack of enforcement regarding fixing the windows closed did appear to embolden Mr Greaves to go on and breach most of the other planning conditions on his planning approval. Mr Greaves certainly appears to believe he can just do what he wants and is doing so.

As can be seen in the photo below, the improved weather last weekend resulted in the

upstairs windows again being opened during trading hours, again breaching the planning condition requested by Cllr Shuttleworth.



The live music events also continue, ignoring Planning Enforcement yet again. The Ref & Whistle itself has kindly provided evidence of the latest breach of its own Noise Management Plan on 26th January 2020:

At around 0:35 of the Facebook Live video, the woman filming, who is using The Ref & Whistle's own Facebook account, can clearly be heard shouting 'You need to be louder, guys, louder, etc.....', even though the music/singing will have already been well above the 'conversational speech' level promised in Mr Greaves' Noise Management Plan:

*"The Applicant intends to play low-level recorded background music to create a relaxed ambiance. This will be played below the volume of conversational speech which is typically around 60 decibels (see noise chart attached as appendix 1) and the Applicant will operate the premises in accordance with the following restriction:*

*Music shall not exceed a volume of 60 decibels, measured internally directly adjacent to the front door of the premises. The operator shall maintain a sound level meter onsite to enable effective monitoring and ensure compliance."*

Mr Greaves (seen later in a pink jumper) doesn't appear to be carrying out "effective monitoring to ensure compliance" as promised in his Plan. He seems more concerned in not getting in the way of the camera.

If Mr Greaves had intended his pub to be a live music venue then he should have chosen a much more suitable venue, further away from residential properties. The licensing policy is clear that applicants should take account of the locality of their intended premises.

The Noise Management Plan was one of the key reasons Mr Greaves gained planning approval for a pub/bar so close to residential properties. The planning approval clearly states

that *"it shall be implemented and maintained as such thereafter for the entirety of the micro bar being in use."*

Both Planning and Licensing clearly stated that the Noise Management Plan had to be strictly adhered to. You have already informed me that the Noise Management Plan isn't actually, as we were led to believe, a condition of the licence approval, therefore this is a completely moot point as far as licensing is concerned. Your latest email also appears to indicate that this planning condition may not actually be enforced at all. If not, this would make a complete mockery of the statement 'strictly adhered to', it would make the planning condition totally meaningless, the associated '6 tests' irrelevant, and it would make the committee meetings seem a waste of council tax payers' money.

As can also be seen in the above photograph, Mr Greaves continues to pour commercial waste down the public storm drain. He was seen doing this last Saturday afternoon and again last Sunday morning, as well as a number of times previously. The barrels usually remain upturned over the drain, and in the narrow roadway, for around 20-30 minutes, as per below photograph. I have been in contact with the Environment Agency to try and establish who needs to be made aware of this. It is not yet clear, as NYCC are responsible for the storm drains but CDC are responsible for environmental health.



With regards to a licence review, we do not feel we are able to request this, even though it has been confirmed to me that at least two of the three committee members at the licensing hearing now believe it should be reviewed. As previously stated, it has already been made clear that the Noise Management Plan is not actually a condition of the licence and that the instructions regarding the bin left on the public pavement (which now includes potted plants and pavement signage) was merely advisory (to be completely ignored again by Mr Greaves). All the other issues we have encountered since the pub opened were highlighted as concerns in our written representations and the representation I made on the residents' behalf at the original hearing (see attached documents). As these genuine concerns appeared to count for absolutely nothing at the hearing, some even ridiculed, they would probably just be dismissed

as 'repetition' at any review, even though many of these concerns are now reality.

I have copied this to Planning Enforcement as you have informed me that they are trying to decide if any action at all is to be carried out. I have also copied this to Cllr Shuttleworth as an example of how the lack of very simple planning enforcement early on can cause things to escalate, and also as he personally requested some of the planning conditions being blatantly breached but not enforced.

It is not possible to download the Facebook Live video of the live music event on 26th January. If this is required for any reason or anyone is unable to view it, I have captured a copy to my PC which I can provide. Please let me know if you require any further information.

Yours Sincerely,

Mr S Burrow

On behalf of residents of the Providence Quarter, Court Lane, Skipton.

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**10/02/2020 Email Mr Burrow to Annette Moppett**

Dear Annette Moppett,

The Environment Agency has recontacted me to say that they believe that the storm drain, that Mr Greaves is pouring commercial waste down, may actually discharge into the nearby water course. The Environment Agency have confirmed that they will investigate this as they believe it does now fall under their remit. The Environment Agency reference number is 1779866.

Would it be advisable for me to inform CDC's Environmental Health department so they are aware of this issue and of the Environment Agency's involvement? We are aware that the Licensing Chairman did state at the hearing that if there were any reports whatsoever to Environmental Health then Mr Greaves would be brought back to the Licensing Committee. Again, we would like to stress that we do not want Mr Greaves to lose his licence.

Mr Greaves was seen emptying another barrel down the public storm drain this afternoon.

We do also have to add that customers of the Ref & Whistle were seen coming across Court Lane on Sunday Evening to use the rear entrance of our building as a smoking shelter. This has not been an issue solely limited to Ref & Whistle customers, however, they are obviously adding to this problem. We did highlight this as a concern in Licensing Representations and is another concern that can be proved to be a reality now.

Personally, I do not mind people sheltering from bad weather in the doorway but we are obviously not happy about having to provide a smoking shelter for The Ref & Whistle pub. Mr Greaves personally chose the premises that has absolutely no outside space whatsoever so he is unable to provide any designated smoking area of his own.

The entrance doorway is fairly well enclosed, which is the main reason why it is being used as a smoking shelter. We have not done any measurements or calculations but it is likely to

be, because of its enclosed nature, actually against the law to smoke in this doorway, and it could also be classed as trespassing on our land. We do have a No Smoking sign in the doorway but, just like our very clear No Parking sign in front of our garage entrance, it is obviously being ignored. We have had to sweep up quite a few tab ends found outside the entrance doorway today.

One of the females seen in our entrance doorway on Sunday evening did bring her drink with her from The Ref & Whistle pub. From the shape of the glass and the colour of the drink in it, I would say that this was more than likely a glass of Prosecco. We did advise the Licensing Manager that drinking was being allowed outside the bar the first weekend after Mr Greaves gained his licence. Empty beer bottles have been seen in the outside bin on other occasions. It would appear that this may still be being allowed.

Mr Greaves' own Noise Management Plan does clearly state:

*"Drinking Outside*

*9. The Applicant is to prohibit the consumption of alcohol off the premises."*

Yours sincerely,

Mr S Burrow

On behalf of Providence Quarter residents

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**Email 13/02/2020 from Mr Burrow to CDC**

Dear Craven District Council,

My wife and I were shocked yesterday afternoon to see a large, handwritten poster in the window of the Ref & Whistle (see photo below) claiming that they were under attack from Fascists. We can only presume that there had been a visit from Planning Enforcement. I am not aware what has been said to Mr Greaves but he obviously hasn't taken this well, yet again.

We initially believed this may have been referring to residents but it may actually have been directed at the 'local council', or possibly both. Whoever it is referring to, I agree with one of our Councillors that it is most unpleasant and unacceptable, and it is quite unsettling for residents. I am sure this is not the image of Skipton CDC would like to present to its visitors or residents.

I could not read the whole of the poster from the other side of Court Lane (I was definitely not going to venture anywhere near the pub), and the photo from my phone does not blow up well. However, the poster did say "To all our loyal customers we are under attack from fascist .....Please sign our petition." I think the bottom two lines of the three under Fascist may read "Local Council Policy".

The poster was taken down not long after I was noticed taking a photograph of it.





We have said a number of times that we do not want Mr Greaves to lose his licence or to go out of business, so to react in this way, when he is just being asked to comply with the conditions that were imposed to actually enable him to open his business in this location, is unacceptable.

Yours sincerely,

Mr S Burrow

On behalf of Providence Quarter residents

On Tue, 11 Feb 2020 at 14:15, Stephen Burrow <[burrowsp001@gmail.com](mailto:burrowsp001@gmail.com)> wrote:  
As recommended by Cllr John Dawson, I have raised the issue of the commercial waste being poured down the public storm drain to CDC's Environmental Health department. I have advised them that the Environment Agency is carrying out an investigation under reference 1779866. CDC's Environmental Health reference is 373193.

Yours sincerely,

Mr S Burrow

On behalf of Providence Quarter residents

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**13/02/2020 Email from Annette Moppett to Mr Burrow**

Dear Mr Burrow,

Thank you for the update. As a result of your email of the 10<sup>th</sup> February 2019 (19:31), I asked the Licensing Manager to arrange for the premises to be visited to discuss the potential breach of one of the conditions attached to the Premises Licence. It may well be that the poster has been produced following that visit.

Regards

Annette Moppett

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**13/02/2020 Email from Mr Burrow to Annette Moppett**

Dear Annette Moppett,

Thank you for your update.

I am now even more surprised at Mr Greaves' ill-judged reaction. Tim Chadwick has always dealt with issues in a very professional respectful way, even when delivering unwanted news. This makes the inflammatory comments on the poster increasingly appalling.

Yours sincerely,

Mr S Burrow

On behalf of Providence Quarter residents

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**24/04/2020 Email from Mr Burrow to Annette Moppett**

Dear Annette Moppett,

I hope everyone is keeping well during these difficult times.

As an update to my email to you on 17th Feb 2020, I am forwarding you the response I have just received from the Environment Agency (Reference number: 1779866) confirming that the licensee of the Ref & Whistle, and his wife, were committing an offence by pouring commercial waste down the public storm drain and, thereby, into Waller Hill Beck. He has now received some guidance on this.

I presume this was why he was seen loading, from the way he was struggling with it, a full beer barrel into the back of his car on Easter Sunday afternoon. He may have found somewhere more suitable, or more discreet, to dispose of the contents. I would like to add that this was only noticed because the Ref & Whistle's security alarm went off, as per my recent correspondence with Andrew Dent.

Kind regards

Steve Burrow

On Fri, 24 Apr 2020 at 11:50, Bailey, Kim <[Kim.Bailey@environment-agency.gov.uk](mailto:Kim.Bailey@environment-agency.gov.uk)> wrote:

Good Morning,

I hope you are well. I have received an update on the incident you reported concerning the Ref & Whistle pub in Skipton. The roadside gullies along Court Lane connect to a surface water drain that discharges into Waller Hill Beck.

Based on this information my colleague has contacted the Landlord of the Ref and Whistle Pub. They have provided the Landlord with advice and guidance on the matter and informed the landlord that it is an offence to cause polluting matter to enter Waller Hill Beck. At this stage we are not taking any further action. If this incident is repeated we are able to take enforcement action against them, if we deem it necessary.

Thank you again for informing us of this incident and please do not hesitate to contact us in the future if you have any further concerns.

Kind regards,

Kim.

**Kimberley Bailey**

**Environment Officer** | Land and Water (Aire, Calder and Wharfe)  
**Environment Agency** | Lateral House, 8 City Walk, Leeds LS11 9AT

Telephone: 02030254044 | Internal: 54044 | Mobile: 07795521993

Email: [kim.bailey@environment-agency.gov.uk](mailto:kim.bailey@environment-agency.gov.uk)

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**Email from 17/08/2020 From Mr Burrow to Guy Close**

Dear Guy Close,

It is now over three weeks since you forwarded this matter to Annette Moppett and also since I raised it as an official complaint with Craven district Council. Do you have any anticipated timescales for 'any further developments'?

I am aware that the complaint itself has passed both the 5 and 10 working days quoted in the

Council's own guidelines for a response.

Meanwhile, as predicted, the landlord of the Ref & Whistle continues to flout planning conditions, rules and regulations and push boundaries with impunity. Please see the photos below from this Saturday evening.

Sections 7 and 9 of the landlord's own Noise Management Plan (NMP), which the landlord is required to strictly adhere to, clearly state that he would prohibit alcohol consumption off the premises. It is clear that the landlord continues to allow/encourage alcohol to be consumed outside the bar, on the public pavement and on the public highway. This is far from being an isolated incident.

The noise from the bar, including the especially loud football chanting, that went on for well over an hour shows that Section 8 of the landlord's NMP is also being totally ignored. Again, this isn't an isolated incident.

Residents' biggest concern, however, is the apparent lack of Covid-19 precautions being implemented at the bar. With Skipton being so close to areas that have Covid-19 special measures imposed (Ilkley, Silsden, Keighley, Pendle, Bradford etc., etc..) it is absolutely shocking that the landlord appears to be so lax in this matter.



Yours sincerely,

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

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**18/08/2020 Email exchange Tim Chadwick & Mr Burrow**

Dear Tim Chadwick,

They are from around twenty to eight last Saturday evening (15th August). From what I remember, the worst of the noise from the bar seemed to be between around 19:30 and 20:00, but it did go on either side of these times.

Kind regards

Steve Burrow

On Tue, 18 Aug 2020 at 15:13, Licensing <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)> wrote:

Dear Mr Burrow,

I am in receipt of the concerns you have raised. I am going to be requesting the CCTV footage from the premise. Would you kindly confirm the date and approximate time the below photos were taken please? To assist me in making this request.

I will then send out the request in writing. I would hope to have the documentation back by next week and I can then begin to look in to the issues. I will also be raising the concerns and formulating the best way to deal with the issues with Planning, Environmental Health and the local police.

Many thanks,

Tim Chadwick,

Licensing Manager

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**20/08/2020 Email from Mr Burrow to Andrea Muscroft**

*Following confirmation of her receiving the complaint on the 17<sup>th</sup> Aug from Mr Burrow & Gordons LLP*

Dear Andrea Muscroft,

Copied to Licensing and Planning Enforcement as requested.

I received an email from the Licensing Manager, Tim Chadwick, on Tuesday afternoon which did outline the proposed action that is to be taken. I am happy with what has been proposed.

With respect to the drinking outside the bar, this has been highlighted to the council on a number of occasions. For example, the very 1st weekend after the landlord gained his premises licence, which Tim Chadwick will have a record of. I also highlighted this in my objection to the recent planning application, of which you were the case officer, where a patron of the Ref & Whistle was seen drinking in our Court Lane entrance doorway on February 9th 2020 and beer bottles had been seen on a number of occasions in the bar's outside bin that had been permanently left on the public pavement 24/7 since the bar opened.

As it is not residents' aim to have the landlord's premises licence revoked or the bar closed we do not keep a strict record of these indiscretions, and nor do we want to. However, to provide further examples of this, I do remember seeing people drinking outside the bar on the two Saturdays before this most recent incident, i.e. Sat 1st Aug - I believe this was just after 19:30, and Sat 8th August just before 4pm.

With respect to another example of recent excessive noise from the bar there was similar very loud football chanting going on, that I very clearly heard from my apartment half way down the south side of the building with doors and windows closed and above the sound of my TV, on Sunday 19th July. This went on for probably over an hour around 5 and 6pm. At the time I went to see what this was, it was noise from within the bar but the bar did appear to be quite full, again raising questions on Covid-19 precautions.

Just a little consideration from the Landlord, in closing the door when the bar gets rowdy like this, would go a long way in preventing this sort of avoidable disturbance, especially as he now has his ventilation/air conditioning system approved.

Kind regards

Steve Burrow

Director of Providence Quarter Ltd

On behalf of local residents

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**18/09/2020 - Internal Exchange**

Hello All,

I have been asked for an update with the ref and whistle. Since I have been on leave I am not sure what steps have or have not been taken. It has come to my attention today while on leave Mr Burrows has been chasing a response today which I have been unaware of and now again today.

Could you confirm for me , if you have taken any steps following the complaint received and or if you have spoken to Mr Greaves and or Mr Burrows since 1<sup>st</sup> September . And moving forward what you intend to do if anything by way of enforcement/action etc.

Andrea are planning going to address the condition 8 issue under planning?

EH – has anything been done on your side of things? Has the footage now be viewed? If not could you view it please. I have provided details of how to view the footage yourself Happy to arrange viewing over teams etc. if easier. If you don't have VLC player it might not work. So teams might be better/easier. I have recorded a snapshot of some of the footage of the night in question and attached. An there are some issues in my opinion and so some joint up work is required.

From a licensing point of view there is a couple of points I wish to address with the licensee. Though wish to try and do everything as joined up as possible.

Appreciate things are tough across the board at the moment with service demands though I could do with providing Mr Burrow with an update of the investigation (if there is any).

Many thanks,

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**Email received 22/09/2020 From Mr Burrow to CDC**

With attachments available for viewing;

- Littering 1
- Littering 2 & Drinking
- Argument
- Obstructing Pavement
- Group of 7

Dear Craven District Council,

I have requested a couple of times for an update on the issues raised on 17th August regarding the Ref & Whistle's lack of regard for Covid-19 security and the planning and licensing conditions. These issues continue so I can only presume that no action has been taken by the council or, if any advice/instructions has/have been given, it is being ignored.

When I passed the bar at around 17:55 this Saturday (19th September) the bar appeared to be quite full inside with a few people standing together (the guidance is for table service only, I believe). Outside there was a group of at least 8 lads, at least one had brought his drink out with him (contrary to the landlord's own Noise Management Plan and planning conditions). There was little evidence of social distancing and the only entrance to the bar was being obstructed by customers. People entering or leaving the bar were having to push past them. Pedestrians were also having to walk into the road to get passed as the pavement was also being obstructed. I did also see someone drinking outside around 16:20 on Sunday.

A resident has sent me video clips showing similar events from the bar. He said that he witnessed swearing, spitting, littering, face to face arguing and little evidence of social distancing. I have attached copies of some of these videos below (number dependent on limits allowed).

As we head for a second wave of Covid-19, the BBC this weekend showed Craven moving up to 4th in the table of worst affected areas, and with further restrictions being announced today, I am alarmed at this behaviour in Skipton. It is a shame when other pubs and bars, for example The Albion just up the road from the Ref & Whistle, are trying so hard to do things right that they are now having to suffer the consequences of this sort of apparent pandemic denial. Just like planning and licensing conditions, Covid-19 restrictions are completely ineffective and pointless if they are just being ignored.

An update of some sort, from somebody at the council, would be appreciated.

Kind regards

Mr S Burrow

Director of Providence Quarter Limited  
on behalf of local residents

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**22/09/2020 Internal Email Sharon Lord – Tim Chadwick**

Hi Tim

Would you like me to respond to this and let him know we are both visiting on Friday?

With the new Regs coming into force it, social distancing etc will be easier to enforce.

Many thanks

*Sharon*

**Sharon Lord MCIEH CEnvH**

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**25/09/2020 Email to Mr Burrow**

Dear Mr Burrow,

Apologies for the delay in responding, I have been on leave for the last couple of weeks, which is why I have been unable to respond to you. Following your complaint, I visited the premises, spoke with the operator and carried out a licence check. I was satisfied that there were no issues for the Licensing Authority at the time of that visit. I have visited the premises again today (25<sup>th</sup> September) along with colleagues from Environmental Health, who carried out their own COVID-19 compliance inspection.

CCTV footage has been obtained from the premise, and shared, with colleagues in Environmental Health and Planning Enforcement for them to view and investigate as appropriate.

I understand that as a result of this, Planning Enforcement issued a warning letter to the premise. However, I do note that further concerns regarding compliance with the planning conditions have been raised since. This will be a matter for the Planning Enforcement team to investigate.

Environmental Health, who are responsible for COVID19 compliance, will continue to monitor the premise and work with the operator, consulting with Licensing when necessary.

Following your complaint, I contacted North Yorkshire Police requesting visits to be made to the premise and these are being carried out. I would urge that any evidence of Anti-social behaviour on the highway is reported also to North Yorkshire Police.

Kind Regards,



Tim Chadwick,  
Licensing Manager,

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**25/09/2020 Email from Mr Burrow to Tim Chadwick**

Dear Tim Chadwick,

Thank you for your detailed update. It is very much appreciated.

I am sure that residents will share this appreciation and the approach taken by all departments.

We hope that behaviour will now improve at the Ref and Whistle. Fingers crossed.

Kind regards

Steve Burrow

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**30/11/2020 Email from Annette Moppett to Mr Burrow**

Dear Mr Burrow,

Your recent email sent to [contactus@cravendc.gov.uk](mailto:contactus@cravendc.gov.uk) and also to the Chair of Licensing Committee, Councillor Simon Myers, has been passed to me to reply.

Can I begin by assuring you that you are not “on some sort of Council communications blacklist.” I would hope that your previous dealings with the Licensing Service show that, whilst you may not agree with the response you receive, the team always consider your communications and responds.

Turning to the main point of your complaint – the lack of any response to your report of a number of incidents at the Ref & Whistle on the 29<sup>th</sup> September – unfortunately, despite a detailed search being undertaken by both the Licensing Manager and colleagues in Environmental Health, we can’t find any record of your email. I am sorry and I can’t explain how this happened.

As you say, these are unprecedented times and Environmental Health and Licensing are very much at the ‘coal face’ of the Council’s response to the COVID-19 pandemic. However, the fact that your email included a possible breach of the COVID Regulations should have resulted in it being shared immediately with Environmental Health, which is responsible for responding to all such reports, but as I’ve said they don’t have any record of the report either.

Can I ask that you re-send the original email to me and I will co-ordinate an urgent reply?

Regards

Annette Moppett  
Solicitor to the Council (Monitoring Officer)

**From:** Stephen Burrow <[burrowsp001@gmail.com](mailto:burrowsp001@gmail.com)>

**Sent:** 23 November 2020 09:44

**To:** ContactUs <[contactus@cravendc.gov.uk](mailto:contactus@cravendc.gov.uk)>; Councillor Simon Myers <[SMyers@cravendc.gov.uk](mailto:SMyers@cravendc.gov.uk)>

**Subject:** Formal complaint regarding lack of response to communications (for over nine weeks) by CDC Licensing.

Dear Craven District Council,

I wish to submit a formal complaint regarding the total lack of response to my emails to Craven District Council's Licensing department concerning incidents at the Ref & Whistle public house on Court Lane, Skipton, in particular concerning the events of September 29th 2020.

These incidents were initially reported to the Licensing Manager, Tim Chadwick, as he had taken the lead role in dealing with other incidents at the pub just prior to this. The emails had been copied out to Environment Health, Planning Enforcement and a number of Councillors later. Despite submitting several requests for a response/update, over nine weeks later I still have not received any response at all.

The Licensing Manager and Environmental Health had visited the pub on 25th September and the Licensing Manager had confirmed that Planning Enforcement had already sent the landlord a warning letter regarding the previous incidents. The events of the 29th September clearly showed that the landlord had disregarded any warnings and would continue to do just as he liked in seeming contempt of the council's authority.

The incidents of September 29th, that I reported that evening with further information on 1st October and later updates, included:

Continuing to serve drunken persons, which according to the landlord's own Noise Management Plan (NMP) contravenes the Licensing Act 2003, and not politely asking them to quietly leave the premises, as per NMP.

Patrons being drunk and excessively noisy outside (in breach of NMP).

Music being played far higher than conversational speech (60dB) (in breach of NMP).

Patron consuming alcohol off the premises (in breach of NMP) whilst simultaneously urinating on a wall where the public often sit.

Both Licensing and Planning clearly insisted that the landlord had to strictly adhere to the NMP when granting the premise licence and planning permission.

The patron who urinated on the wall outside our apartments had been drinking for over 7 hours at this point, well over 2 hours at the Ref & Whistle.

The incidents reported also contravened Covid-19 regulations:

Social distancing rules being frequently broken inside and outside the bar.

Patron confronting passing members of the public whilst singing loudly in the street outside the bar.

No masks worn whilst standing up, singing loudly, hugging, dancing, or moving about the bar. This also contravened CDC's own Covid-19 Premise Licensing Instructions.

Lights being turned off at the bar, pretending they had closed (3rd Oct) at the 22:00 Curfew

but last customers did not leave until 22:30.

The only actions the landlord appeared to take were:

To grab a beer (or two, even) and join in.

Sit/stand/drink/converse immediately next to patrons from Leeds and Keighley.

(Leeds and Keighley were already in additional Covid-19 measures at this time).

Stand at the pub entrance whilst his patron consumed alcohol and urinated on a wall closely opposite where the public often sit.

The landlord exercised no control at all over his patrons and seemed more to be encouraging them.

Three of the four Licensing Objectives are '**The prevention of crime and disorder**', '**Public safety**', '**The prevention of public nuisance**'. We believe all of these apply to the above incidents.

Residents do appreciate that the Ref & Whistle is just one of many, many licensed premises and businesses in Craven district and that Licensing's workload will have increased significantly during this awful pandemic. However, this total lack of response for over nine weeks does give the impression that residents' serious concerns about this landlord's lack of regard for rules and regulations and the deteriorating behaviour at his pub are being ignored, and makes me personally feel that I am now on some sort of council communications blacklist.

Yours sincerely

Mr S Burrow

Director of Providence Quarter Ltd

On behalf of local residents

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**03/12/2020 Email from Mr Burrow to Annette Moppett**

- *Attached to the email "Zipped Email trail regarding Ref & Whistle" – available as additional document for viewing.*

Dear Annette Moppett,

Thank you for your response to my formal complaint. It is greatly appreciated.

I would first like to confirm that I have always had a great deal of respect for Tim Chadwick, CDC Licensing Manager, and the way he has responded to resident's concerns.

However, since my email of 19:06 on 29th September, there were several further emails all relating to these incidents at the Ref & Whistle, either providing further information or chasing a response/update, so it is not just a single email that has gone missing.

The times and dates for these were: 20:08 29th September, 17:17 1st October, 09:02 6th October, 14:54 9th October, 14:06 15th October, 14:31 21st October, 11:50 31st October, 11:26 6th November and 10:13 13th November. There was also an email of 20:07 28th September to Tim Chadwick, regarding events at the Ref & Whistle on 27th September.

Of the above 11 emails sent to Tim Chadwick, 3 were copied to the Licensing Team, 8 were copied to Environmental Health, 3 to Andrew Dent and 7 to Planning Enforcement.

I have not received a response to any of these emails from anyone. Hence my somewhat justified comments, in the circumstances, regarding feeling 'Blacklisted'.

I will forward you the email trail separately for your information. I have added in the distribution list for each of the emails in the trail as, for some reason, these do not get maintained. I can forward the emails individually to you if you prefer.

Regards

Steve Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

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**06/12/2020 Email from Mr Burrow**

- 3 images attached to the email – now added below.

Dear Tim Chadwick, CDC Licensing Manager,

Also emailed to CDC Licensing, Environmental Health, and Planning Enforcement.

I have also emailed this to Cllr Richard Foster as, from the Craven Herald article, I am aware that he is very keen for *‘all residents and businesses to stick firmly to the existing restrictions.’*

The events of 15th August, 29th September and 5th December alone show just how little regard the landlord of the Ref & Whistle has for the Covid-19 restrictions and also Licensing, Planning Conditions, and his residential neighbours.

Hopefully, you will have received the zipped copy of the emails I have sent regarding events at the Ref & Whistle since 25th September 2020. These events have included Covid-19 infringements, and breaches of Licensing and Planning Conditions. Annette Moppett is to task CDC's I.T. department to ascertain why these emails have not reached their intended recipients. Annette did say she would coordinate an urgent reply regarding the events at the bar. I presume she has already been in touch with you regarding this.

Sadly, but unsurprisingly, I have to report further infringements at the Ref & Whistle, even whilst we are under Tier 2 restrictions.

A number of residents have witnessed the bar being open this weekend serving alcohol with not much evidence of 'substantial meals' being eaten or social distancing.

A resident passed the bar at around 14:15 on Saturday (5th Dec) and saw that the bar was quite full with people drinking, little signs of social distancing and just one dirty plate to be seen. The resident did report this to the police.

I took some photographs from across the road at 15:35, some of which I have attached. Again the bar was busy with people drinking alcohol but I did not see anyone eating. You can see the size of plates on which 'meals' are being served (on the far left). The landlord was seen wandering through the bar without wearing a mask.

I passed the bar again at 16:10 and 16:50 and the situation was very much the same.

I have also raised a report with the police as has another resident.

From my balcony at 19:55 I saw the landlord and three to four young, male patrons gathered closely together on the pavement, just outside the entrance to the bar, having quite a loud discussion. The patrons definitely sounded intoxicated and there was definitely no social distancing being observed as they were all huddled together. The patrons were picked up in a car shortly after so obviously they were not local. I presume the bar's CCTV will have picked up the registration plate.

Another resident has sent me videos from around 22:00 on Saturday night. These show a group of females, again gathered closely together on the pavement immediately outside the entrance door, with no social distancing being observed. They were having a loud drunken conversation that did include swearing. One was also seen littering.

The same videos also show a female patron of the Ref & Whistle having to be manhandled out of the Tapas Bar next door (that she had just wandered/weaved into) so that the owner could close the restaurant. She ended up sitting on the pavement and appeared to be too drunk to get up herself. Her drunken partner and another patron outside the Ref & Whistle had to help her up and keep her standing. At around 10pm the landlord of the Ref & Whistle did come out but only to present the inebriated couple their bags that they had left in his bar.

This is the sort of behaviour that is becoming the 'norm' at the Ref & Whistle. Residents shouldn't have to tolerate this at the best of times. However, as the micro-bar does not have the facilities to function as a restaurant we do not believe the bar should have been open anyway under Tier 2 regulations.

Do the Tier 2 regulations allow people to drink until they are incapable of standing up unaided?

The landlord's own NMP highlights that it is an offence under the Licencing Act 2003 to continue to serve drunken people. This, therefore, is also a breach of his planning permission conditions, as well as licensing and Covid-19 regulation infringements. This was also the case with the events of September 29th.

The bar has opened again today (Sun 6th Dec). I observed the first customers being served pints of beer at 12 noon. They were served some food at around 12:10 but the options appeared to be something on a small plate or something in a small bowl. These were definitely not 'substantial meals'.

The bar was still open at 18:00 but had closed when I checked just after 20:00.

It is hoped that the appropriate enforcement action can be taken by Licencing, Environmental

Health and Planning Enforcement on the infringements that have taken place since 25th September 2020.

You did confirm on 25th September that Planning Enforcement had already issued a warning letter to the premise. However, you did also note that *'further concerns regarding compliance with the planning conditions have been raised since. This will be a matter for the Planning Enforcement team to investigate'*. So there does also appear to be outstanding matters prior to September 25th with Planning Enforcement.

Yours sincerely

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents





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**14/12/2020 Email to Mr Burrow**

Dear Mr Burrow,

Following the complaints you have brought to my attention. Alongside Environmental Health I carried out an inspection of the premise on the 9<sup>th</sup> December.

Unfortunately at this time I am unable to detail the action and steps that have been taken as these are confidential.

Though I can confirm the premise is now closed. An will not reopen until such a time that Environmental Health and Licensing are satisfied it can operate in line with the relevant regulations.

In relation to other matters brought to my attention and as previously mentioned you may wish to seek a review of the premise licence? Details of this I have attached for your consideration.

Many thanks,

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**14/12/2020 Email from Mr Burrow**

Dear Tim Chadwick,

Thank you for your response and for the action you and Environmental Health have regrettably had to take.

As I am not privy to exactly what parts of the residents' complaints (dating back to September) this action relates to it is not clear what 'other matters' are left that would be relevant to a Licence Review.

For some reason, Planning Enforcement don't appear to be involved in the investigation of our complaints. You informed me on 25th September 2020 that Planning Enforcement had issued Mr Greaves with a warning letter. He has obviously ignored this warning. It is therefore felt that stronger action from Planning Enforcement is now long overdue.

Residents strongly feel that it is not our responsibility to instigate a Licensing Review. There has been clear evidence provided (with more available if you require it) that the landlord has been breaching both Licensing regulations and Planning conditions, as well as totally ignoring the pandemic, so it should be the council, who are the authority here, that should be holding the landlord to account, as promised at the hearing.

At the original Licensing hearing the Chairman of the Committee, Cllr Moorby, clearly stated, and I quote verbatim from memory and the recording, *"If there are any reports whatsoever to the police or Environmental Health with the local authority, this will be brought back to the Licensing Committee and, believe you me, we can take licences away as soon as give them."*

Some of our concerns were actually mocked by the Chairman at the original hearing so I am not confident our legitimate concerns would be taken any more seriously.

Also, following your visit to the premise in September, after several reported incidents, you informed me *"Following your complaint, I visited the premises, spoke with the operator and carried out a licence check. I was satisfied that there were no issues for the Licensing Authority at the time of that visit."* This does not give me any confidence in a fair hearing, even after all the disgraceful events residents have had to witness or listen to. These have continued despite the bar being monitored by both the police and Environmental Health since September.

I presume that the bar would be allowed to open again on Wednesday if Craven moved to Tier 1? This may not be the outcome of the Tier review but it is a possibility.

I don't believe John Dawson is still a Councillor with Craven District Council.

Kind regards

Steve Burrow  
Director of Providence Quarter Ltd  
On behalf of Local Residents



### **Record of Inspection**

**Premise Address:** Ref and Whistle, 9 Court Lane, Skipton, BD23 1DD.

**Date of Premise Inspection:** 14/02/2020

**Officers in attendance:** Donna McCarthy, Georgina Holmes.

**Premise Licence Holder:** Simon Greaves

**DPS:** Simon Greaves

**Opening Times:**

Monday- Thursday 1200hrs-2000hrs

Friday- Saturday 1200hrs – 2200hrs

Sunday 1200hrs- 2000hrs

**Licensable Activities:**

Retail Sale of Alcohol

Late Night Refreshment

During this visit the Premise Licence Holder and DPS was not available at the premise. Mrs Wendy Greaves was in charge of the venue.

- Premise Licence Summary was not on display – Mrs Greaves knew what the premise licence was but did not know where it was. Officers made aware that there had been some changes within the venue so it had just been misplaced.
- No Age Verification signage on the premise – examples of IDs use photo ID/ passport. advised that something needs to be in place for the premise, for example Challenge 25, Drink Aware etc posters.
- Customers are made aware of available measures when asking for a drink, however the small measures or price list is not available. Small measures ie 125ml for wine and beer and cider available in half pint measure.
- Premise doesn't have any no-smoking signs displayed.
- Refusals/ Incidents are recorded in an incident book.
- Notices displayed to reduce public nuisance – to minimize the noise when smoking and leaving the premise.
- No live or recorded music – only acoustic (No Amps) but have stopped this as there is an issue with the Noise management plan and the compliance, until this is sorted out Mrs Greaves stated that they won't be have any live music – acoustic or otherwise

**Update:**

Mr Greaves attended CDC office at 15:50 and requested a copy of the premises licence as it does appear to have been misplaced. He paid £10.50 and received a copy of the licence, he has also been shopping and bought no-smoking signs and a notice re underage sales.

DMc went through the licence conditions with Mr Greaves and mentioned the membership of pubwatch – Mr Greaves stated that he wasn't a member pubwatch as he didn't think it was necessary but would go and speak to the coordinator at the Albion. DMc advised that it would be advisable, he had offered it as licensing condition, he would also have communications with the other licensees around the town.

**From:** [Stephen Burrow](#)  
**To:** [Licensing](#)  
**Subject:** Re: FW: Ref and Whistle planning complaint update?  
**Date:** 18 August 2020 16:27:22  
**Attachments:** [image001.png](#)

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Dear Tim Chadwick,

They are from around twenty to eight last Saturday evening (15th August). From what I remember, the worst of the noise from the bar seemed to be between around 19:30 and 20:00, but it did go on either side of these times.

Kind regards

Steve Burrow

On Tue, 18 Aug 2020 at 15:13, Licensing <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)> wrote:

Dear Mr Burrow,

I am in receipt of the concerns you have raised. I am going to be requesting the CCTV footage from the premise. Would you kindly confirm the date and approximate time the below photos were taken please? To assist me in making this request.

I will then send out the request in writing. I would hope to have the documentation back by next week and I can then begin to look in to the issues. I will also be raising the concerns and formulating the best way to deal with the issues with Planning, Environmental Health and the local police.

Many thanks,

Tim Chadwick,

Licensing Manager

**From:** Stephen Burrow  
**Sent:** 17 August 2020 10:02  
**To:** Guy Close <[GClose@cravendc.gov.uk](mailto:GClose@cravendc.gov.uk)>  
**Cc:** Councillor Andrew Brown <[ABrown@cravendc.gov.uk](mailto:ABrown@cravendc.gov.uk)>; Councillor Richard Pringle <[RPringle@cravendc.gov.uk](mailto:RPringle@cravendc.gov.uk)>; Councillor Carl Lis <[clis@cravendc.gov.uk](mailto:clis@cravendc.gov.uk)>; Councillor Andrew Solloway <[ASolloway2@cravendc.gov.uk](mailto:ASolloway2@cravendc.gov.uk)>; Councillor Brian Shuttleworth <[BShuttleworth@cravendc.gov.uk](mailto:BShuttleworth@cravendc.gov.uk)>; Councillor Alan Sutcliffe <[ASutcliffe2@cravendc.gov.uk](mailto:ASutcliffe2@cravendc.gov.uk)>; Councillor Linda Brockbank <[Cllr.LBrockbank@Cravendc.gov.uk](mailto:Cllr.LBrockbank@Cravendc.gov.uk)>; Councillor Stephen Place <[SPlace2@cravendc.gov.uk](mailto:SPlace2@cravendc.gov.uk)>; Councillor Chris Rose <[CRose@cravendc.gov.uk](mailto:CRose@cravendc.gov.uk)>; Paul Shevlin <[PShevlin@cravendc.gov.uk](mailto:PShevlin@cravendc.gov.uk)>; Councillor Simon Myers <[SMyers@cravendc.gov.uk](mailto:SMyers@cravendc.gov.uk)>; Councillor Chris Moorby <[CMoorby@cravendc.gov.uk](mailto:CMoorby@cravendc.gov.uk)>; Tim Chadwick <[TChadwick@cravendc.gov.uk](mailto:TChadwick@cravendc.gov.uk)>; Andrew Dent <[ADent@cravendc.gov.uk](mailto:ADent@cravendc.gov.uk)>; Councillor David Noland <[DNoland@cravendc.gov.uk](mailto:DNoland@cravendc.gov.uk)>  
**Subject:** Ref and Whistle planning complaint update?

Dear Guy Close,

It is now over three weeks since you forwarded this matter to Annette Moppett and also since I raised it as an official complaint with Craven district Council. Do you have any anticipated timescales for 'any further developments'?

I am aware that the complaint itself has passed both the 5 and 10 working days quoted in the Council's own guidelines for a response.

Meanwhile, as predicted, the landlord of the Ref & Whistle continues to flout planning conditions, rules and regulations and push boundaries with impunity. Please see the photos below from this Saturday evening.

Sections 7 and 9 of the landlord's own Noise Management Plan (NMP), which the landlord is required to strictly adhere to, clearly state that he would prohibit alcohol consumption off the premises. It is clear that the landlord continues to allow/encourage alcohol to be consumed outside the bar, on the public pavement and on the public highway. This is far from being an isolated incident.

The noise from the bar, including the especially loud football chanting, that went on for well over an hour shows that Section 8 of the landlord's NMP is also being totally ignored. Again, this isn't an isolated incident.

Residents' biggest concern, however, is the apparent lack of Covid-19 precautions being implemented at the bar. With Skipton being so close to areas that have Covid-19 special measures imposed (Ilkley, Silsden, Keighley, Pendle, Bradford etc., etc..) it is absolutely shocking that the landlord appears to be so lax in this matter.

image.png



Yours sincerely,

Mr S Burrow

Director of Providence Quarter Ltd

On behalf of local residents

On Thu, 23 Jul 2020 at 17:37, Guy Close <[GClose@cravendc.gov.uk](mailto:GClose@cravendc.gov.uk)> wrote:

Hi Steve,

Thank you for your email. Its pleasing to know that you thought the virtual meeting worked well. I am aware of the issue regarding the photograph at last week's Planning Committee. I have already forwarded this matter to Annette Moppett, who is the lead officer for Standards Committee and Monitoring Officer for the Council. Any further developments and I'll ensure that your kept up to date.

Kind regards,

Guy

**From:** Stephen Burrow

**Sent:** 22 July 2020 22:13

**To:** Guy Close <[GClose@cravendc.gov.uk](mailto:GClose@cravendc.gov.uk)>

**Cc:** Councillor Andrew Brown <[ABrown@cravendc.gov.uk](mailto:ABrown@cravendc.gov.uk)>; Councillor Richard Pringle <[RPringle@cravendc.gov.uk](mailto:RPringle@cravendc.gov.uk)>; Councillor Carl Lis <[clis@cravendc.gov.uk](mailto:clis@cravendc.gov.uk)>; Councillor Andrew Solloway <[ASolloway2@cravendc.gov.uk](mailto:ASolloway2@cravendc.gov.uk)>; Councillor Brian Shuttleworth <[BShuttleworth@cravendc.gov.uk](mailto:BShuttleworth@cravendc.gov.uk)>; Councillor Alan Sutcliffe <[ASutcliffe2@cravendc.gov.uk](mailto:ASutcliffe2@cravendc.gov.uk)>; Councillor Linda Brockbank <[CLlr.LBrockbank@Cravendc.gov.uk](mailto:CLlr.LBrockbank@Cravendc.gov.uk)>; Councillor Stephen Place <[SPlace2@cravendc.gov.uk](mailto:SPlace2@cravendc.gov.uk)>; Councillor Chris Rose <[CRose@cravendc.gov.uk](mailto:CRose@cravendc.gov.uk)>; Councillor David Noland <[DNoland@cravendc.gov.uk](mailto:DNoland@cravendc.gov.uk)>

**Subject:** Planning Meeting 14th July 2020 - 2020/21411/VAR

Dear Guy Close,

From what I hear, it appears that my praise of the online committee meeting system has gone down well within Craven District Council. The people involved do deserve a lot of credit for the way the system worked on the whole. However, I do not want people to think that I believe Craven District Council is doing a great job on the whole, especially the planning department who, I honestly do feel, brought the council into disrepute last Tuesday.

There did appear to be great concern amongst a number of the councillors over the misuse of the photograph I supplied with my original objection. I do greatly share this concern to the extent that I have submitted a complaint regarding this. I have attached this for your information. I do hope it receives the same distribution as my praise did in order to provide a more balanced view of my (and fellow residents') feelings.

Kind regards

Steve Burrow

Director of Providence Quarter Ltd

On behalf of local residents

**Guy Close**

Democratic Services Manager

t: 01756706226

e: [GClose@cravendc.gov.uk](mailto:GClose@cravendc.gov.uk)

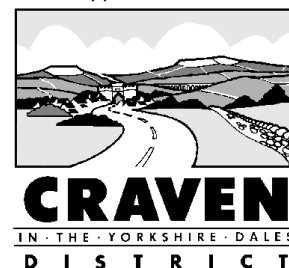


1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ

[www.cravendc.gov.uk](http://www.cravendc.gov.uk)

This e-mail, including any attachments, is confidential and intended only for the attention and use of the named

1 Belle Vue Square  
Broughton Road  
SKIPTON  
North Yorkshire  
BD23 1FJ



Telephone: 01756 706251

Email address: [licensing@cravenc.gov.uk](mailto:licensing@cravenc.gov.uk)

Date: 18/08/2020

Mr Simon Greaves  
The Ref and Whistle  
9 Court Lane  
Skipton  
North Yorkshire  
BD23 1DD

Dear Mr Greaves,

**RE: Premise Licence PL0848**

This is a written request for the following documents to be provided to the Licensing Department in line with the conditions attached to your licence.

- Records of Staff training with regards to obligations under the licensing act
- Records of the refusals register and incident report register
- Copies of the CCTV for internal and external areas for the **15<sup>th</sup> August 2020 1900hrs – 2200hrs.**

**Please provide these no later than the 24th August. Please note that due to the current COVID-19 pandemic, our reception is open daily between 09:00-13:00 to provide the requested information. If you are attending the offices please note, a face mask will be required when attending.**

The conditions attached to the licence state;

**CCTV**

- 1a A digital colour, cctv system will be installed to cover the premises and recorded coverage will include all internal and external areas to where the public have access to consume alcohol.*
- b. It will be maintained, working and recording at all times when the premises are open.*
- c. The recordings should be of good evidential quality to be produced in Court or other such hearing.*
- d. Copies of the recordings will be kept available for any Responsible Authority for 28 days Subject to Data Protection requirements.*
- e. Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request Subject to Data Protection requirements.*
- f. Copies of the recordings will display the correct time and date of the recording.*
- g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority.*

Paul Shevlin, Chief Executive  
Calls may be recorded for training and monitoring purposes  
For general enquiries telephone 01756 700600  
[www.cravenc.gov.uk](http://www.cravenc.gov.uk)



**Staff Training**

*2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-*

*Retail sale of alcohol  
Age verification policy*

*Conditions attached to the Premises License*

*Permitted Licensable activities*

*The Licensing objectives and*

*The Opening Times of the venue.*

*3. With such training (condition 2) documented records shall be kept for a minimum of one year and will be made available immediately upon a reasonable request from any Responsible Authority.*

*4. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.*

*5. Both Refusals and Incident Report registers shall be kept for at least 1 year and they will be made available immediately upon a reasonable request from any Responsible Authority. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]:*

*6. The premises DPS is responsible for risk assessing the need for SIA Door staff at the venue. Special considerations should be given to the need for Door staff on Fridays, Saturdays, bank holidays or other locally or nationally significant events.*

*7. Where Door staff are on duty they shall sign in and out of the premises log book, providing full details of their names and SIA number.*

*8. The premise licence holder will be a member of the local pub watch scheme.*

If you require any further assistance in this matter, please don't hesitate to contact me.

Your sincerely,



Tim Chadwick  
Licensing Manager

Copies send:

By Post

By Email

Ref An Whistle Notes: 24<sup>th</sup> August

Following a complaint received on the 17<sup>th</sup> Aug. A letter was sent to Mr Greaves on the 18<sup>th</sup> August to request CCTV footage from the premise. To be supplied by 24<sup>th</sup> August.

On the 24<sup>th</sup> Aug in the afternoon I rung Mr Greaves as I had not had any response yet. He explained he had attended the offices (24<sup>th</sup> Aug) and requested to speak to me and Leon. However, we were not available. I was unaware of a visit.

I asked if the footage could be supplied and gave further details of the request and that primarily I had received the complaint and I wanted to get a full picture of what had happened for his benefit and the complainers. As they might actually be no issues or it might be one off isolated incident, which is why I wanted to see the footage. Mr Greaves was upset that officers have not visited the property to speak with him. At the time I didn't explain the full reasons for this, though over the duration of the licence there has been a number of concerns raised about the premise and previously we have taken the approach of carrying out routine inspections at the premise and also personally discussing then the nature of any complaints. However Due to the current national pandemic and the nature of the complaints it was viewed to be a better approach to view the CCTV and get a true picture of what is taking place.

Mr Greaves explained he had only received the request 21<sup>st</sup> Aug, and he had been unable to carry out the request yet. He needed to purchase a device to extract the data on to. I explained the licence did have conditions that state CCTV footage is required to be supplied within 48 hours of receipt of notification. Though I took his comments on board and said it was ok to supply the following day. In future however it would be best to always ring or email the department if delays are expected for requests, as this allows to work with licencees.

Mr Greaves was overall annoyed at the situation, the pressure and complaints coming his way which felt where not reflective explaining a nearby premise (Boutique Hotel) had restarted using a side entrance that entered/exited on to court lane not previously used and this was causing issues on the street and some troubles he felt where been blamed unfairly on him. It was explained I was aware of the issues of this premise and a visit had taken place a couple of weeks back. Following complaints raised by nearby residents

On the 25<sup>th</sup> august it was confirmed by Customer services, that Mr Greaves did attend the offices on the 24<sup>th</sup> of Aug an asked to speak Leon. No request made to speak to licensing. Footage was obtained on the 25th Aug.

**From:** Leon Hazeldine  
**Sent:** 18 August 2020 17:18  
**To:** 'Simon Greaves' [REDACTED]  
**Cc:** [REDACTED] Cartwright [REDACTED]  
**Subject:** The Ref & Whistle 9 - 11 Court Lane, Skipton, BD23 1DD

Dear Mr Greaves

I write to inform you that the Council has received additional complaints about The Ref & Whistle, namely that people are consuming alcohol outside of the front door (which was open) and are making excessive noise.

I have been provided with photographic evidence of the above and have no reason to doubt the authenticity of the photograph.

We have previously spoken about the conditions attached to your planning consent and how the onus is on you to fully comply with them. This will be my final attempt at seeking your voluntary cooperation to ensure that you or your customers do not breach the conditions of your planning permission.

Should further breaches occur, the Council will have no option but to consider formal enforcement action.

As a slight aside, there are also allegations about the lack of measures in place to prevent the spread of COVID-19. These matters are outside of my jurisdiction but colleagues from different departments at the Council may contact you over this matter.

Yours sincerely

Leon Hazeldine

**Leon Hazeldine**  
Planning Enforcement Team Leader  
t: 46425  
m: 07917446476



Dear Mr Burrow,

My colleagues in IT have now completed their investigation into the missing emails.

All incoming emails go through a number of filters and unfortunately, five emails from yourself sent between the 6<sup>th</sup> November and 4<sup>th</sup> December were discarded. The programme categorised the content as 'offensive'. Perhaps this was due to the behaviour you were reporting?

Mail filtering logs are only retained for 31 days but it seems likely that your earlier emails will have been treated in the same manner if the content was the same. At least that is that mystery solved.

Mr Chadwick will be writing to you separately about the action taken so far in response to your complaints about these premises.

Regards

Annette Moppett

---

Dear Annette Moppett,

As requested, please see the email trail below relating to the events at the Ref & Whistle. Please also refer to my other email regarding my formal complaint regarding lack of response since 25th September 2020.

Regards

Steve Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

----- Forwarded message -----

From: **Stephen Burrow** [\\_\\_\\_\\_\\_](#)

Please could I have a response to my emails from 29th September.

Kind regards

Steve Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

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**On Fri, 6 Nov 2020 at 11:26, Stephen Burrow wrote:**

Please could I have an update/response.

Kind regards

Steve Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

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On Sat, 31 Oct 2020 at 11:50, Stephen Burrow [wrote:](#)

Dear Tim Chadwick,

It is now over a month since I reported further incidents at the Ref & Whistle, Court Lane, Skipton.

It would be appreciated if my email of 30th September could be acknowledged and details of any action taken provided, so I can update local residents that were very concerned by the incidents of 29th Sept, and the incidents just prior and since, which were also reported (below).

The incidents on 29th Sept were just 4 days after you visited the bar with Environmental Health and after the landlord had been issued with a warning letter from planning enforcement. The landlord has, therefore, not only shown scant regard for the Covid-19, planning and licensing regulations and conditions but has also shown contempt for the council's authority.

The incidents reported were in clear breach of the landlord's own Noise Management Plan, which both Licensing and Planning had clearly stated that the landlord had to strictly adhere to.


For example, NMP Sections:

8 – Patrons being drunk and excessively noisy outside (as per attached video).

9 – Patron consuming alcohol off the premises (**even whilst simultaneously urinating on a wall opposite the bar**).

10 – Music being played far higher than conversational speech (60dB).

12 – Continuing to serve drunken persons, **which contravenes the Licencing Act 2003**, and not politely asking them to quietly leave the premises.

<https://www.facebook.com/>  shows that these patrons had already been drinking for over 4.5 - 5 hours at the time of these incidents – picture posted on Facebook at 12:04 29th Sept shows they started drinking at midday.

The patron who urinated on the wall outside our apartments had been drinking for over 7 hours at this point, well over 2 hours at the Ref & Whistle. The culprit works at [REDACTED] so should be fully aware how wrong his actions were that day.

The incidents reported also contravened Covid-19 regulations:

Social distancing rules being frequently broken inside and outside the bar.

No masks worn whilst standing up, singing loudly, hugging, dancing, or moving about the bar. This also contravened CDC's own Covid-19 Premise Licensing Instructions.

Lights being turned off at the bar, pretending they had closed (3rd Oct) at the 22:00 Curfew but last customers did not leave until 22:30.

The only actions the landlord appeared to take were:

To grab a beer (or two, even) and join in.

Sit/stand/drink/converse immediately next to patrons from Leeds and Keighley.

(Leeds and Keighley were already in additional measures at this time).

Stand at the pub entrance whilst his patron consumed alcohol and urinated on a wall closely opposite where the public often sit.

Landlord (mustard shirt) with patrons from Leeds and Keighley:



More social distancing - L to R, 1 from Leeds, 1 from Skipton, 3 from Keighley

is with and 3 others at The ref and whistle.  
September 29 at 5:13 PM · Skipton ·  
Great day even met a Norwegian white



Craven will very soon be almost surrounded by Covid-19 Tier 3 areas. We have no doubt that there will be people migrating from these Very High Alert Level areas to Skipton in search of open pubs and bars. The Ref & Whistle has clearly demonstrated that they would be very welcome there. This is of great concern.

Three of the four Licensing Objectives are 'The prevention of crime and disorder', 'Public safety', 'The prevention of public nuisance'. We believe all of these should apply to the above incidents.

Residents do appreciate that the Ref & Whistle is just one of many, many licensed premises and businesses in Craven and that your workload will, like the virus cases in Yorkshire, have increased significantly over recent weeks. If you can provide just a brief update, even if it is 'no action taken', it would be appreciated.

Kind regards

Steve Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

---

**On Wed, 21 Oct 2020 at 14:31, Stephen Burrow wrote:**

Dear Tim Chadwick,

As previously requested, please could I have an update on the action taken following the issues raised below.

Kind regards

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents.

---

**On Thu, 15 Oct 2020 at 14:06, Stephen Burrow wrote:**

Dear Tim Chadwick,

As previously requested, please could I have an update on the action taken following the increasing number of issues raised below.

In addition, the bar was seen to be open after the 10pm curfew on Saturday night (3rd October 2020). It seems pointless turning off most of the lights to pretend you are closed if customers are noisy for quite a while when they leave around 22:10 and there are taxis arriving at around 22:30 to pick up other customers.

The Case Officer's report for 2020/21411/VAR stated that the Council's Enforcement officer had advised the landlord of the Ref & Whistle to cease the disposal of trade waste via the public storm drain and was told he would require a permit if he wished to continue to dispose of trade waste in this way. Do you know if the landlord has applied for and gained a permit? He was seen pouring liquid down the public storm drain outside the bar at around 19:45 on the 3rd October. The Environment Agency concluded that the landlord is polluting the local Waller Hill Beck by doing this.

Kind regards

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents.

---

**On Fri, 9 Oct 2020 at 14:54, Stephen Burrow wrote:**

Dear Tim Chadwick, CDC Licensing Manager,

Copied to Richard Foster, Leader of Craven District Council

It was comforting to read in the latest Craven Herald about the leader of Craven District Council's concerns over the alarming rise in Covid-19 cases in Craven and how Richard Foster wants 'all residents and businesses to stick firmly to the existing restrictions'.

I think the Ref & Whistle pub highlighted quite well on 29th September the problems faced when businesses do not take the restrictions on board or at all seriously. Yes, the landlord may have a Covid-19 Risk Assessment and policy in place. However, it is clear that this, just like his ignored Noise Management Plan, is for the authorities' benefit only and doesn't apply

to him or his customers in reality.

Further evidence has come to light of events during that evening. I think the innocuous, happy photo below sums it up quite well. Here we have a group photo where one person is from Leeds (an area with worryingly high Covid-19 figures and additional restrictions), three are from Keighley (another area with worryingly high Covid-19 figures and additional restrictions) and one person from Skipton. It is clear from the Facebook comments that the person from Skipton had not met the others before yet here they all are in a group huddle. I cannot meet my friends in Keighley or my family in Leeds yet they can all meet up with local people in Skipton!

The guy in the middle, in the dark blue jumper, is the person that urinated on the wall of our flower beds (the wall that members of the passing public often sit on) after they'd been drinking for another 2 hours. This guy apparently works in a pub in [REDACTED], so he should be well aware of all the Covid-19 restrictions and that this sort of behaviour is totally unacceptable.

It is worrying that the landlord of The Ref & Whistle not only condoned what happened on the 29th September but actually joined in on the partying, as the Facebook videos show (see links below). This is in addition to the previous details and videos supplied.

I am aware that there was also a local person with underlying health conditions in the bar. He was sat next to the person that had just had a group huddle with strangers from Leeds and Keighley. I know he has underlying health conditions because in one of the videos you can see his mobility scooter parked on our private land. This is yet another facility that we have to provide the Ref & Whistle, along with smoking & drinking shelters, outside toilets, etc..!!

Richard Foster appeared to be concerned that Craven may well be placed on the Government Watch List. I believe that a bigger danger is that Leeds and Bradford may be looking at having further restrictions on pubs and bars, even closure. If that happens then there will be many that will travel to places like Skipton, where they will be met with open arms by the likes of The Ref & Whistle.

As requested on 6th October, please could I have an update on the actions taken following the shameful and irresponsible events at The Ref & Whistle on Tuesday 29th September, and also the events of Sunday 27th September.

I have to say that I was surprised when you previously stated, "I was satisfied that there were no issues for the Licensing Authority ", especially when the events at the Ref & Whistle have contravened Craven District Council's own 'Premise Licensing Covid-19' guidelines, e.g. 'Customers not seated inside will be required to leave', and that 3 of the 4 Licensing Objectives are:

**The prevention of crime and disorder**

**Public safety**

**The prevention of public nuisance**

Kind regards,

Mr S Burrow

Director of Providence Quarter Ltd  
On behalf of local residents.

and whistle is with [redacted] and 3 others at The ref ...  
September 29 at 5:13 PM · Skipton ·  
Great day even met a Norwegian white



14:02 – Yorkshire Rose photo – Starting early (actually started at Wetherspoons at midday).



16:34 – Ref & Whistle - Customer and Landlord ( Mustard coloured shirt ) wandering about the bar, no masks

<https://www.facebook.com/>



16:58 – Ref & Whistle - Loud singing. Mobility scooter seen parked on private land opposite - owner is the guy with the red phone.

<https://www.facebook.com/>



17:04 – Ref & Whistle - Music definitely turned up - Landlord sat right next to a guy from Leeds.

<https://www.facebook.com/>



17:13 – Ref & Whistle – Group Photo

[REDACTED]

17:21 – Ref & Whistle - Landlord still sat right next to the guy from Leeds.

<https://www.facebook.com/> [REDACTED]

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**On Tue, 6 Oct 2020 at 09:02, Stephen Burrow wrote:**

Dear Tim Chadwick,

Please could I have an update on the actions taken following the shameful and irresponsible events at The Ref & Whistle on Tuesday 29th September, and also the events of Sunday 27th September.

Kind regards

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents.

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**On Thu, 1 Oct 2020 at 17:17, Stephen Burrow wrote:**

Dear All,

Further to the previously reported events at The Ref & Whistle on the evening of Tuesday 29th September:-

We are aware of a customer leaving the bar at around 19:18 that evening with his drink. The customer crossed Court Lane, proceeded towards the entrance to the Providence Quarter garage, dropped the front of his trousers, took a drink of his beer and then proceeded to urinate all over the wall of the flower beds just outside the garage entrance. He then returned to the bar. The glass of beer never left his hand once!

I know the consumption of alcohol outside the bar is very clearly covered by the landlord's ineffective Noise Management Plan but I am unable to find anything regarding these outside toilet facilities! I do know that passersby (Skipton residents and visitors) do often sit on this wall so this is not only a hugely disgusting practise but it is also a public health and safety issue.

I think Tuesday's events definitely mark a new low with the Ref & Whistle, but it is only what we predicted.



As the landlord didn't appear to curtail any of these activities then we can only presume that this is the bar's 'new normal' and he condones, or even encourages, this.

As the Chairman of the Council and the Planning Manager have consistently appeared very keen to promote this bar then residents do not have much confidence in things improving.

The bar is definitely, very quickly heading in the direction of the landlord's previous establishment - <https://www.thetelegraphandargus.co.uk/news/localbrad/10623907.Clayton>

Is this the image Craven Council wants to portray to Skipton's visitors and residents?

Yours sincerely,

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents.

**On Tue, 29 Sep 2020 at 20:08, Stephen Burrow wrote:**

Dear All,

I've received further complaints from residents regarding this evening's events at the Ref & Whistle.

From one resident, "Not sure if you have heard the noise from the bar this evening at about 5.30pm onwards, and the noisy drunken singers outside. There didn't seem to be any social distancing - presumably this will be on the bar's cctv - are the Council actually keeping an eye on this"

And from the resident that supplied the previous video, "I walked past later and they were all totally pissed in there. Singing and dancing. Having a real party. Not much social distancing." The resident said this was around 18:40.

It was really noisy again just before 19:20 as people seemed to be leaving (so much for his Be Quiet When Leaving notice!). I went down to have a look at 19:30 and there were only 3 people left, including the landlord. He was sitting at the bar next to a customer who was standing at the bar. Neither had masks on which I think the latest regulations state they should be wearing (all bar staff and people not seated should be wearing masks).

I presume that the landlord is aware that there will be no monitoring on a quiet Tuesday evening. Whatever was said to Mr Greaves on Friday, and in the planning enforcement letter, seems to have been wasted on him. He has shown consistently over the last 18 months or more that rules and regulations do not mean anything to him whatsoever.

Regards

Mr S Burrow

Director of Providence Quarter Ltd  
On behalf of local residents.

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**On Tue, 29 Sep 2020 at 19:06, Stephen Burrow wrote:**

Just another quiet evening courtesy of The Ref & Whistle (attached video from 18:20 29th September)..... The standard of clientele is well below that claimed in his Noise Management Plan which is just a complete joke of a document and always has been!!

Kind regards

Mr S Burrow  
Director of Providence Quarter Ltd

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**On Mon, 28 Sep 2020 at 20:07, Stephen Burrow wrote:**

Dear Tim Chadwick,

Just some observations from yesterday, following your appreciated visit to the Ref & Whistle on Friday along with Environmental Health.

The bar was particularly noisy again at times on Sunday afternoon. There was also swearing heard again.

People 'socialising' outside the bar now appear to have moved further along Court Lane where they are then behind the view of the bar's external CCTV camera. Does the camera's positioning need to be reviewed?

Around 16:30 - Customers seen standing up inside the bar. They didn't appear to be wearing masks as per the latest regulations, or 'required to leave' as per CDC's Covid-19 Premise Licensing instructions. The person behind the bar also did not appear to have a mask on. Are bar staff exempt when behind the bar, or possibly they have a medical exemption?

Around 17:30 - Customers seen standing up inside the bar, moving round the bar, dancing. None appeared to be wearing masks.

Customers were also very noisy leaving the bar just after 17:30. A woman was heard to shout, "Darren, you're supposed to be wearing a fucking mask!"

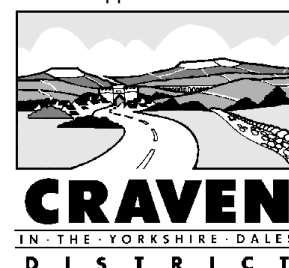
I'm still not sure this bar and some of its customers are taking the new regulations or the pandemic at all seriously.....except when they know they're being monitored, perhaps?

Copied to Ward Councillors.

Kind regards

Mr S Burrow  
Director of Providence Quarter Ltd  
On behalf of local residents

1 Belle Vue Square  
Broughton Road  
SKIPTON  
North Yorkshire  
BD23 1FJ



To: Licensing Department  
Craven District Council

Email - [slord@cravendc.gov.uk](mailto:slord@cravendc.gov.uk)  
Sharon Lord BSc(Hons) MCIEH CEnvH  
Senior Chartered Environmental Health Officer

18 February 2021

**Review of Premise Licence – PL0848**  
**Ref & Whistle Limited, 9-11 Court Lane, Skipton**  
**Representation on the grounds of Crime & Disorder and Public Safety**

Environmental Health, as a Responsible Authority under the Licensing Act 2003, make the following representation in response the licence review application for the Ref & Whistle, Court Lane, Skipton.

The Environmental Health Service is responsible for the enforcement of various coronavirus regulations introduced by Government from March 2020 onwards in response to the coronavirus pandemic.

Under the regulations and in accordance with Government guidance published in May 2020, employers have a legal duty to reduce workplace risk of coronavirus transmission to the lowest reasonably practicable level. Businesses must also work to minimise the risk of transmission and protect the health of customers and visitors in restaurants, pubs, bars and takeaway venues.

All licensed operators are also subject to a more general legal duty under the Health and Safety at Work etc Act 1974 to protect the health, safety and welfare of their employees and other people who might be affected by their business. This includes staff, customers and the wider community by reducing the opportunities for coronavirus to spread. Operators must do whatever is reasonably practicable to achieve this aim.

On Friday 25 September at 13.50pm, following complaints of a lack of social distancing by customers, Environmental Health carried out a joint visit to the premises with the Council's Licensing Manager. The Premise Licence Holder was on site at the time of the visit.

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Paul Shevlin, Chief Executive  
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[www.cravendc.gov.uk](http://www.cravendc.gov.uk)



At that time Covid-19 measures were in place and no breaches of relevant regulations were witnessed. The Licence Holder was provided with information and guidance around working safely during the pandemic.

On 2 December 2020, Craven moved into the Tier 2 'High Alert' restrictions under The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. Restrictions included:

- No mixing of households or mingling.
- A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless
  - Alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.
- A person responsible for carrying on a restricted business, or providing a restricted service and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if:
  - the food or drink is ordered by, and served to, a customer who is seated on the premises, and
  - the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises

On 7 December 2020, Environmental Health received six complaints, including photographs, of alleged breaches of coronavirus regulations. These related to incidents that had occurred at the premises on Saturday 5 December and Sunday 6 December 2020. Concerns included no social distancing, mingling of customers inside and outside the premises, customers stood at the bar drinking, no face coverings and no food being served.

On Wednesday 9 December at 16.00pm a visit to the premises was carried out by Environmental Health and the Licensing Department. During the visit it was noted that no efforts were being made by management to ensure any level of social distancing, there was no provision of a 'substantial meal' to enable the sale of alcohol and the premises were not being operated in a Covid secure manner. A number of contravention of the Tier 2 'High Alert' restrictions were witnessed by Officers.

On 11 December 2020, a Prohibition Notice was served under Regulation 9(2) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. The Notice required the Licence Holder to cease to carry on the business of selling alcohol for consumption, with immediate effect and will remain in force until steps have been put in place to enable the premises to trade in accordance with the coronavirus regulations.

*Sharon Lord*

Sharon Lord  
Senior Chartered Environmental Health Officer BSc(Hons) MCIEH CEnvH  
Environmental Health Services  
Craven District Council

Email trail 20<sup>th</sup> January – 10<sup>th</sup> December between Mr Greaves and Tim Chadwick

Date 20/01/2021

Yes, im just waiting for my new card to arrive, ive not rushed as it will be a long time till I open back up, as I will not be opening until everything goes back to normal, cheers

---

On Wed, 20 Jan 2021, 15:45 Licensing, <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)> wrote:

Hello,

Did you receive the copies that where posted out to you These can be returned by post, in the meantime. As long as you have started the process with Bradford that is ok.

Many thanks,

**From:** Simon [REDACTED]  
**Sent:** 20 January 2021 15:31  
**To:** Licensing <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)>  
**Subject:** Re: FW: Ref & Whistle

Hi, i am just waiting for Bradford Council to send me my new personal licence, as soon as it comes i will ring you to make an appointment,

On Tue, 19 Jan 2021, 19:25 Licensing, <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)> wrote:

Dear Mr Greaves

Please can you update me on the progress of this.

Many thanks,

**From:** Licensing  
**Sent:** 10 December 2020 14:26  
**To:** [REDACTED]  
**Cc:** Sharon Lord <[slord@cravendc.gov.uk](mailto:slord@cravendc.gov.uk)>  
**Subject:** Ref & Whistle  
**Importance:** High

Dear Mr Greaves,

Following our conversation, please may you confirm you are closing the premise until further notice?

Myself and Ms Lord will, as agreed still attend tomorrow, however please could we change the time to **1300hrs.**

In order to satisfy ourselves the venue will be COVID secure when you reopen and that the conditions of the premise licence will be met. I would like to suggest that the premise only reopens following a pre-opening inspection of the premise. Would you be happy to agree to this proposal?

On the matter of the premise licence and change of details. Please find the application for change of premise licence holders details. I have also attached the form for updating the designated premise licence holder details as well. You may also need to, if you have not done so already, contact the issuing authority for the personal licence and update your personal licence with them as well.

Many thanks,

Tim Chadwick,

**Licensing**  
Licensing Team

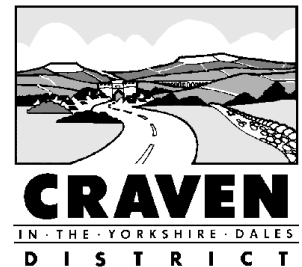
t: 01756 706251

e: [Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)

**Craven District Council is working with Harrogate, Richmondshire, Ryedale, Scarborough and Selby on a proposal for local government reorganisation – which will keep your services local. We need your support – please go to [www.get-change-right.com/consultations](http://www.get-change-right.com/consultations) to have your say.**



1 Belle Vue Square  
Broughton Road  
SKIPTON  
North Yorkshire  
BD23 1FJ



Telephone: 01756 706251

Email address: [licensing@cravendc.gov.uk](mailto:licensing@cravendc.gov.uk)

Date: 07/12/2020

Mr Greaves

Dear Mr Greaves,

**RE: Premise Licence PL0848**  
**2020 No 1374 Public Health, England**  
**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020**  
**Health and Safety at Work Act 1974**

We are in receipt of complaints relating to compliance with the above legislation. In order that we can investigate these complaints, this is a written request for the following documents to be provided to the Licensing Department:

- COVID Risk assessment
- What substantial meal(s) you are providing
- What cooking and or preparation area is used for providing the substantial meal
- Copies of the CCTV for internal and external areas for the 5<sup>th</sup> December 2020 for the following Times; 1400hrs – 1600hrs, 1800hrs-1900hrs & 2000-2200hrs
- Copies of the CCTV for internal and external areas for the 6<sup>th</sup> December 2020 for the following Times; 1200hrs – 1400hrs & 1600hrs 1800hrs

Please provide the above no later than the 10<sup>th</sup> December. Please note that due to the current COVID-19 pandemic, our reception is open daily between 09:00-13:00 to provide the requested information.

The conditions attached to the licence state;

**CCTV**

- 1a A digital colour, cctv system will be installed to cover the premises and recorded coverage will include all internal and external areas to where the public have access to consume alcohol.*
- b. It will be maintained, working and recording at all times when the premises are open.*
- c. The recordings should be of good evidential quality to be produced in Court or other such hearing.*
- d. Copies of the recordings will be kept available for any Responsible Authority for 28 days Subject to Data Protection requirements.*
- e. Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request Subject to Data Protection requirements.*
- f. Copies of the recordings will display the correct time and date of the recording.*

Paul Shevlin, Chief Executive  
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*g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority.*

If you require any further assistance in this matter, please don't hesitate to contact me.

Your sincerely,



Tim Chadwick  
Licensing Manager

Electronic copy sent



## **Licensing Act 2003: How to call for a Review of a Premises Licence or Club Premises Certificate.**

### **Criteria for calling for a 'Review'**

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority or any other person may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.

Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation. This is unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

Please also be aware that the Licensing Authority will not consider applications that are frivolous (ones that display a lack of seriousness in purpose or nature), vexatious (ones that are intended to cause aggravation or annoyance whether to a competitor or other person, without reasonable cause) or repetitious (ones that have been specified in an earlier review or at the time of grant).

### **Considerations before making an application**

Before making a review application you may want to consider whether your concerns could be effectively dealt with outside a formal review process:

Talking to the licence or certificate holder to explain your concerns; they may be willing to take steps to rectify the situation

Asking the licensing department to talk to the licensee on your behalf

Talking to the relevant 'Responsible Authority'; e.g. environmental health in relation to noise or the police in relation to crime and disorder to see if there is any other legislation that can help resolve the issue.

### **Making a review application**

An application for review should be made using the statutory form supplied with this guidance, and may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The Licensing Authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process.

The review application must be served on the holder of the licence or certificate together with any accompanying documents on the same day as it is given to the Local Authority Licensing Department. Copies also must be sent to the 'responsible authorities' named in the Licensing act 2003 (a list of these is provided at the end of this guidance).

When making your application you may wish to consider:

- Backing up your claims; you could do this by keeping a diary of events over a period of time
- Getting as much information as possible about any official responses; for instance, the police being called
- Having a good idea of how you would like the situation to be resolved
- Thinking about how to show that the particular premises in question is directly responsible for the problem; for instance, in the case of general noise nuisance on the street

### **Alternatives to making an individual application**

If you do not want to make your own application for a review, then you may wish to consider approaching a representative who may consent to make the application on your behalf. For example, you may wish to ask a local councillor or any other recognised body or association. If you are unsure about whom you can approach in your area, please contact the licensing team – we will be happy to offer advice.

If your chosen representative is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of your application. You must provide your chosen representative with your name, address and details of the grounds upon which your application is made. They should then submit written representation to the licensing authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the licensing authority will not be in a position to make direct contact with you. Consequently, the 'Notice of Hearing' and any decision notice will also be sent to your representative.

### **Petitions**

When organising/submitting a petition as part of your application, there are some important factors to bear in mind:

- We ask that the instigator of the petition identifies themselves as a central point of contact, as we may need to make contact in order to verify certain matters and if we are unable to do so this could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses for each signatory must be provided.
- All signatories must be made aware that where representations are made and not withdrawn, a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers.

The Licensing Authority will not write to each signatory separately but instead expects that the instigator of the petition will advise each signatory of the hearing date and the final outcome of the application. It is also expected that the instigator will represent signatories at the hearing and will speak for them.

### **What happens after a request for a review has been made?**

Once a review application has been accepted by the licensing department it will ultimately become part of a hearing report, which is a public document. Unless there are any genuine and well-founded fears of intimidation representations will be published with names and addresses attached.

The Licensing Department will advertise the review on the premises in question and on their web-pages for a period of 28 consecutive days. This allows other parties to make their own representations about the review.

The Licensing Authority will call a hearing for the application to be determined; you will be informed of the date and time and the procedure to be followed at the meeting.

### **Hearings**

The hearing will take place before a Licensing Sub-Committee, which is made up of three Elected Members from the Council's Licensing Committee.

The applicant, persons making representation, and any responsible authority will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. The Notice will be sent out within the prescribed statutory timescales. Please note that you are required to respond to this Notice.

All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised at this stage and parties are limited to speaking to matters outlined in their original representation and response to Notice of Hearing, although detail provided may be expanded upon. Where you have chosen to use a representative, only they may speak on your behalf. However, Members may still wish to direct questions to applicants, even in cases where they are represented.

Please note that parties will all be given an equal amount of time in which to address the Sub-Committee, but that time period may be limited by the Chairman of the Sub-Committee – for example, where there are numerous objections, speaking time may be limited to 5 minutes, or the Chairman may request, where lots of similar representations have been made, that a spokesperson is nominated.

Please be assured that if for any reason you are unable to attend the hearing, the Sub-Committee will still consider your written representation.

The Sub-Committee will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved by the decision, an appeal may be made to the Magistrates' Court. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

# Responsible Authorities

If submitting this form electronically we will share the review form with these responsible authorities on your behalf.

Responsible Authority	
The Police Licensing Team	<b>North Yorkshire Police</b> Police Licensing York Police Station Fulford Road York YO10 4BY <b>Email:</b> nyplicensing@northyorkshire.pnn.police.uk.
Chief Fire Officer	<b>North Yorkshire Fire and Rescue Service</b> Alverton Court Crosby Road Northallerton DL6 1FE <b>Email:</b> ElectronicConsultation@northyorksfire.gov.uk
The enforcing authority under the Health & Safety at Work etc. Act 1974.  The Local Authority exercising Statutory functions to minimise or prevent risk of pollution of the environment.	<b>Environmental Health</b> Craven District Council 1 Belle Vue Square Broughton Road Skipton North Yorkshire BD23 1FJ <b>Email:</b> environmentalhealth@cravendc.gov.uk
The Local Planning Authority	<b>Planning Team</b> Craven District Council 1 Belle Vue Square Broughton Road Skipton North Yorkshire BD23 1FJ <b>Email:</b> planning@cravendc.gov.uk
Public Health	<b>North Yorkshire County Council</b> County Hall Northallerton North Yorkshire DL7 8AD <b>Email:</b> nypublichealth@northyorks.gov.uk
North Yorkshire Trading Standards	<b>North Yorkshire Trading Standards</b> Unit 4/5 Thornfield Business Park Standard Way Northallerton North Yorkshire DL6 2XQ <b>Email:</b> trading.standards@northyorks.gov.uk

The Home Office (Only for Section.17, 42,47,34 & 52 applications)	<b>Alcohol Licensing Team</b> Lunar House 40 Wellesley Road Croydon CR9 2BY <b>Email:</b> alcohol@homeoffice.gsi.gov.uk
Social Services	<b>North Yorkshire County Council</b> Children & Young People's Service County Hall Racecourse Lane Northallerton North Yorkshire DL8 7AE <b>Email:</b> licensingofficer.children@northyorks.gov.uk

# Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I David Noland,**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003~~ for the premises described in Part 1 below (delete as applicable)**

### Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Ref & Whistle Ltd, 9 Court Lane.	
Post town: Skipton	Post code (if known): BD23 1DD

**Name of premises licence holder or club holding club premises certificate (if known)**

Simon Greaves
---------------

**Number of premises licence or club premises certificate (if known)**

PL0848
--------

### Part 2 - Applicant details

I am

Please tick ☐

an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ☒

a responsible authority (please complete (C) below) ☐

a member of the club to which this application relates (please complete (A) below) ☐



**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Appendix N

Please tick

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title ☐ (for example, Rev)

**Surname**      **First names**

Cllr David Noland

**I am 18 years old or over**

☒

Please tick ☐

**Current postal address if different from premises address:**

c/o Craven District Council, Belle Vue Square, 1 Broughton Road, Skipton, BD23 1FJ

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

John Dawson

Councillor, North Ward, Skipton Town Council,



Telephone number (if any)



E-mail address (optional)



Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**Please tick one or more boxes ☐

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

☐  
☐  
☐  
☐
**Please state the ground(s) for review** (please read guidance note 2)

Prevention of public nuisance, protection of public safety. I am aware of a number of issues that have caused issues and undermined the licensing objectives.

Local residents have brought to my attention a number of issues experienced by them and some of the complaints are below and are directly reproduced summaries of correspondence forwarded to me

**Complaint 24<sup>th</sup> April 2020**

Pouring commercial waste down the highway drains this was also reported to Environment Agency (Reference number: 1779866)

**Complaint 17<sup>th</sup> August 2020** – customers singing in the street on the pavement and taking alcohol on to the highway. This is a breach of licensing conditions and causing a nuisance to residents nearby and public using the highway



### **Complaint 19<sup>th</sup> September**

At 17:55 the bar appeared to be quite full inside with a few people standing together (the guidance is for table service only, I believe). Outside there was a group of at least 8 lads, at least one had brought his drink out with him (contrary to the landlord's own Noise Management Plan and planning conditions). There was little evidence of social distancing and the only entrance to the bar was being obstructed by customers. People entering or leaving the bar were having to push past them. Pedestrians were also having to walk into the road to get passed as the pavement was also being obstructed. I did also see someone drinking outside around 16:20 on Sunday.

### **Complaint September 29<sup>th</sup> & 1<sup>st</sup> October**

The Premise was serving drunken persons, which according to the landlord's own Noise Management Plan (NMP) contravenes the Licensing Act 2003, and not politely asking them to quietly leave the premises, as per NMP.

Patrons being drunk and excessively noisy outside (in breach of NMP).

Music being played far higher than conversational speech (60dB) (in breach of NMP).

Patron consuming alcohol off the premises (in breach of NMP) whilst simultaneously urinating on a wall where the public often sit.

The patron who urinated on the wall outside our apartments had been drinking for over 7 hours at this point, well over 2 hours at the Ref & Whistle.

The incidents reported also contravened Covid-19 regulations:

Social distancing rules being frequently broken inside and outside the bar.

Patron confronting passing members of the public whilst singing loudly in the street outside the bar.

No masks worn whilst standing up, singing loudly, hugging, dancing, or moving about the bar. This also contravened CDC's own Covid-19 Premise Licensing Instructions.

Lights being turned off at the bar, pretending they had closed (3rd Oct) at the 22:00 Curfew but last customers did not leave until 22:30.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Residents statement on 6/12/20:

“The events of 15th August, 29th September and 5th December alone show just how little regard the landlord of the Ref & Whistle has for the Covid-19 restrictions and also Licensing, Planning Conditions, and his residential neighbours.

Events at the Ref & Whistle since 25th September 2020 have included Covid-19 infringements, and breaches of Licensing and Planning Conditions.

A resident passed the bar at around 14:15 on Saturday (5th Dec) and saw that the bar was quite full with people drinking, little signs of social distancing and just one dirty plate to be seen. The resident did report this to the police.

photographs were taken from across the road at 15:35. Again the bar was busy with people drinking alcohol but I did not see anyone eating. You can see the size of plates on which ‘meals’ are being served (on the far left). The landlord was seen wandering through the bar without wearing a mask.

I passed the bar again at 16:10 and 16:50 and the situation was very much the same.

male patrons gathered closely together on the pavement, just outside the entrance to the bar, having quite a loud discussion. The patrons definitely sounded intoxicated and there was definitely no social distancing being observed as they were all huddled together. The patrons were picked up in a car shortly after so obviously they were not local.

Another resident has sent videos from around 22:00 on Saturday night. These show a group of females, again gathered closely together on the pavement immediately outside the entrance door, with no social distancing being observed. They were having a loud drunken conversation that did include swearing. One was also seen littering.

The same videos also show a female patron of the Ref & Whistle having to be manhandled out of the Tapas Bar next door (that she had just wandered/weaved into) so that the owner could close the restaurant. She ended up sitting on the pavement and appeared to be too drunk to get up herself. Her drunken partner and another patron outside the Ref & Whistle had to help her up and keep her standing. At around 10pm the landlord of the Ref & Whistle did come out but only to present the inebriated couple their bags that they had left in his bar.

The landlord’s own NMP highlights that it is an offence under the Licencing Act 2003 to continue to serve drunken people. This, therefore, is also a breach of his planning permission conditions, as well as licensing and Covid-19 regulation infringements. This was also the case with the events of September 29th.

Have you made an application for review relating to the premises before?

If Yes, please state the date of that application;

Day    Month    Year

--	--	--	--	--	--	--	--

No

**If you have made representations before relating to the premises, please state what they were and when you made them**

No

**Please tick ✓**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate. ✓

I understand that if I do not comply with the above requirements my application will be rejected. ✓

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.**

Signature          David Noland

.....

Date          19 January 2020

.....

Capacity    CDC Ward Councillor, Skipton North

.....

Signature          John Dawson  
Councillor, North Ward, Skipton Town Council,

.....

Date          19 January 2020

.....

Capacity    Councillor, North Ward, Skipton Town Council,

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)**

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Please send the completed form to the local authority:**

**Licensing Department**

Craven District Council  
1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire  
BD23 1FJ

**Contact Details**

Email: [licensing@cravendc.gov.uk](mailto:licensing@cravendc.gov.uk)  
Telephone: 01756 706251



## Hannah Scales

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**From:** Allen, Jackie  
**Sent:** 01 February 2021 08:52  
**To:** Licensing  
**Subject:** Ref & Whistle

Morning Tim, just to confirm that I have looked at the Police System (NICHE) and our records, I have also liaised with the local Police Insp and Sgt, there is insufficient evidence to support Police to make a representation on the review submitted by Cllr Noland and Cllr Dawson for - Ref & Whistle.

22/01 Notified CDC of NYP reports- 12200221070-ASB Env  
05/12 Covid Report sent to CDC on the 07/12 (Scotch egg, no substantial food).  
12200146707-ASB Nuisance- 22/08/20, report from local resident, no Police called to premises or involvement, no other reports made to Police in 2020.

01/02 Insp Breen and Sgt Evans, no issues with premises, no calls for Police service.

Kind Regards

Jackie

\*\*\*\*\*

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North Yorkshire Police monitors all internet email activity and content.

This communication is intended for the addressee(s) only.

Please notify the sender if received in error. Unauthorised use or

disclosure of the content may be unlawful. Opinions

expressed in this document may not be official policy.

Thank you for your co-operation.

\*\*\*\*\*

**LICENSING ACT 2003 - REPRESENTATION FORM**

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

<b>Personal Details</b>	
Name:	Burrow
Address:	
Postcode:	
Contact telephone number(s)	
Daytime:	Mobile:
Email address:	

<b>Licence application about which you wish to make a representation</b>	
<i>You do not need to answer all of the questions in this section, but please give as much information as you can</i>	
Application Number:	Premises Licence PL0848
Licensee:	Mr Simon Greaves
Name of Premises (if applicable):	The Ref and Whistle
Premises Address (where the Licence will take effect):	
	9-11 Court Lane
	Skipton
Postcode:	BD23 1DD

<b>Reason/s for representation</b>
<i>Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered.</i>
<i>Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.</i>

<p><b>Declaration:</b> This representation has been drawn up following incidents that have either been witnessed and evidenced by myself as a resident living very close to the bar, reported to me by other residents (in my capacity as a Director of the Residents' Management Committee), or has been evidenced by patrons of The Ref and Whistle itself.</p> <p>I have raised concerns regarding the premise, since its opening, on behalf of local residents. These concerns have been evidenced by emails sent to Licensing on the dates listed in Appendix 2. <b>These concerns highlight that the premise has undermined the Licensing Objectives repeatedly, despite a number of warnings from 'the Authorities'.</b></p> <p>I have included an additional summary of images of some of the issues, as per Appendix 1. Videos and images have also been submitted to the Licensing Manager, as per Appendix 3.</p> <p>This Representation has been made on behalf of myself and on behalf of local residents.</p>
---

### **The Prevention of Crime and Disorder** (Examples)

- pouring commercial waste down the public storm drain, polluting Waller Hill Beck (July 2019 to Apr 2020). Despite warnings from The Environment Agency and CDC Environmental Health, the Licensee was seen again pouring liquid down the public storm drain (19:45 3<sup>rd</sup> Oct 2020).
- blatant lack of regard for Covid-19 regulations throughout this pandemic.
- disorderly conduct allowed outside the bar (examples):
  - patron urinating in public (immediately outside residents' properties, on a wall where the public often sit) **whilst the licensee looked on** (Sept 29<sup>th</sup> 2020).
  - patrons singing loudly and dancing in the street/on the public highway immediately outside the bar and residents' properties (Sept 29<sup>th</sup> 2020).
  - crowd allowed to gather in the street/on the public highway immediately outside the bar and residential properties to drink alcohol, sing/shout/chant football songs (e.g. Aug 17<sup>th</sup> 2020).
- patrons using residents' covered entrance way as smoking (and drinking) shelter contravening 'No Smoking' Laws (e.g. Feb 9<sup>th</sup> 2020).
- littering by patrons outside the bar (e.g. 19<sup>th</sup> Sept, 29<sup>th</sup> Sept, 5<sup>th</sup> Dec 2020) and also licensee leaving an often unemptied and overflowing bin on the public pavement 24/7/365 since premises licence gained, even when closed and throughout Covid-19 lockdown periods.
- aggressive/threatening/intimidating behaviour (examples):
  - stating to me that "*They (pointing up at residents' properties) can stick their complaints up their arse. I will do just what I want from now.*" (29<sup>th</sup> Sept 2019).
  - putting up a large, hand-drawn poster in the bar window stating, "*We are under attack from Fascist.*" following a visit from Craven District Council (12<sup>th</sup> Feb 2020).
  - residents, as they have been passing, have been pointed out to patrons by the licensee so that they can be mocked. (e.g. 9<sup>th</sup> Dec 2020)

### **Public Safety** (Examples)

- blatant Covid-19 regulation breaches endangering public health and public safety.
- continued Covid-19 regulation, Licensing and Planning Condition breaches (25<sup>th</sup> Sept 2020 to 10<sup>th</sup> Dec 2020) despite visits from CDC Licensing and Environmental Health and despite a warning letter from CDC Planning Enforcement, all reminding the licensee of his responsibilities again.
- obstruction of public pavement and public highway by groups/crowds of patrons socialising/drinking/being rowdy outside the bar (e.g. 29<sup>th</sup> June 2019, 17<sup>th</sup> Aug 2020, 19<sup>th</sup> Sept 2020).
- taking alcohol onto the public highway (e.g. 17<sup>th</sup> Aug 2020).
- obstructing public pavement with waste bin (24/7/365), pot plants and street signage.
- obstruction of public pavement and public highway by licensee, delivery, trade and patrons vehicles.
- beer barrels left unattended in the public highway (July 2019 to Apr 2020).
- pouring commercial waste down the public storm drain, polluting Waller Hill Beck (July 2019 to Apr 2020) – Despite warnings, seen again pouring liquid down public storm drain (e.g. 19:45 3<sup>rd</sup> Oct 2020).

### **The Prevention of Public Nuisance** (Examples)

- serving customers who are drunk (e.g. 29<sup>th</sup> Sept, 5<sup>th</sup> Dec 2020).
- anti-social behaviour including:
  - street drinking;
  - drunken behaviour;
  - disorderly groups of people;
  - rowdy behaviour (shouting, swearing, singing, chanting);
  - urinating in public;
  - dropping of litter.
- allowing unruly behaviour inside and outside of the bar (e.g. 29<sup>th</sup> Sept 2020).
- obstructing access to residents' parking/garage - trespassing (e.g. 29<sup>th</sup> Sept 2019).
- patrons using resident's private parking area - trespassing (e.g. 29<sup>th</sup> Sept, 17<sup>th</sup> Oct 2020).
- patrons using residents' private land as smoking and drinking shelters - trespassing (e.g. 9<sup>th</sup> Feb 2020).
- obstruction of public pavement and public highway by licensee, delivery, trade persons and patrons vehicles.
- obstruction of public pavement by groups/crowds of patrons allowed outside the bar (e.g. 29<sup>th</sup> June 2019, Aug 17<sup>th</sup> 2020, Sept 19<sup>th</sup> 2020).
- noise nuisance from premises security alarm going off a number of times per day during Covid-19 lockdown (23<sup>rd</sup> Mar 2020 to 2<sup>nd</sup> May 2020).

### Prevention of Children From Harm

Children seen wandering about the bar whilst social distancing was being ignored and adults standing and wandering about the bar without masks (e.g. 27<sup>th</sup> Sept 2020).

### Operating Schedule and Noise Management Plan

The applicant's Operating Schedule lacks detail and is inadequate when referencing Section 182 Guidance and Craven District Council's Licensing Policy, especially with respect to:

- the premises' locality,
- its very close proximity to residential properties
- how the premises intends to be 'good neighbours' to residents - living just 12 metres away (much less distance for noise nuisance from the bar's patrons in the street/highway).

In July 2020 the licensee was allowed by Planning to remove the 'Adjacent Uses' statement from his Noise Management Plan.

Its removal was a clear statement of intent by the licensee, which in turn very much impinged on the licensee's promotion of the Licensing Objectives, as behaviour at the bar noticeably deteriorated after this.

The removal of the 'Adjacent Uses' statement clearly indicated that **the licensee no longer acknowledged the presence of residential apartments immediately opposite his bar or the effects his business would have on the residents and their amenity.**

Its removal also indicated that the licensee was no longer confident that the mitigation measures left in his dwindling Noise Management Plan were sufficient enough to prevent significant impact upon neighbours, as previous versions of the Noise Management Plan claimed they did.

### False Statements?

The licensee's Operating Schedule clearly states, ***'No drinks, other than those in sealed containers for "off-sales", are to be taken off the premises.'***

The licensee's Noise Management Plan (which both Licensing and Planning stated he had to strictly adhere to) also clearly states, ***'The Applicant (later changed to 'the drinking establishment') is to prohibit the consumption of alcohol off the premises.' 'Any patrons smoking outside and being excessively noisy will not be served any further drinks and politely asked to move on.'***

In complete contrast to the above statements by the licensee, the very first weekend (29<sup>th</sup> June 2019) after the Premises Licence was gained there was a group of patrons gathered on the public pavement and public highway for a number of hours consuming alcohol, smoking, socialising and making a great deal of noise. Similar incidents have continued to date.

As it appears that the licensee never intended to comply with these statements, **it would suggest that he knowingly made false statements to the council in order to gain his Premises Licence and Planning Permission.**

On 25<sup>th</sup> Sept 2020 the licensee presented his Covid-19 Plan to Environmental Health and the Licensing Manager. The licensee's Covid-19 Plan clearly indicated that he was aware of exactly what his responsibilities were with regards to the Covid-19 regulations. Behaviour allowed at the bar in the days immediately after the council's visit (and also the warning letter he had very recently received from Planning Enforcement) showed a continued blatant disregard for the Covid-19 regulations, the Licensing Objectives and for 'the Authorities'.

**This would suggest that the licensee's own Covid-19 Plan was a false statement** and was used mainly to mislead 'the Authorities' again. From what's been witnessed and evidenced, it was certainly not a plan for how he was going to run his business during the Covid-19 Restrictions.

Comments made by the council's Planning Manager during the Planning Committee meeting of 14<sup>th</sup> July 2020, where he stated that *"The windows are actually fixed so you can't open them"*, **would suggest that the Planning Manager may have also been misled by the licensee.**

**The CDC Planning Committee were in turn misled by this statement**, as it had falsely implied that the licensee had finally complied with the planning condition to fix the windows closed, after 12 months of continual breaches. The licensee re-opened the claimed *'fixed so you can't open them'* windows in the days immediately after the Planning meeting, highlighting that **this statement was in fact false.**

**Can the licensee's word be trusted?**

**'Responsibly Managed Premises' and 'Fit and Proper Person' questions.**

The licensee at The Ref and Whistle has been reminded of his responsibilities many times by Licensing, Planning Enforcement and Environmental Health, yet blatant breaches of Licensing, Planning Conditions, and, most concerning of all, Covid-19 regulations continued right up until the bar was forced to close after being issued with a prohibition notice by Craven District Council on 10<sup>th</sup> December 2020.

The Licensing Manager's report for the original Licensing Sub-Committee hearing did recommend that *'the licensing authority should consider... the track record of the business'*. Residents believe this is again relevant and should be for consideration during this Licence Review.

The licensee is exhibiting the same lack of control and disregard for nearby residents as he did at his previous premises:

<https://www.thetelegraphandargus.co.uk/news/localbrad/10623907.Clayton>

*"PC Shaun Marshall, a licensing officer for West Yorkshire Police, said they had been called to numerous incidents at the Royal Hotel in recent months, including a glassing, a fight involving 50 people and drug-dealing outside the pub. John Baruch, who lives next door to the pub, said: "I have suffered from noise and the large fights going on. The village is starting to get a name as a late-night drinking place."*

The business' name may have changed but the sole director/licensee remains the same.

<https://find-and-update.company-information.service.gov.uk/company/11023356/filing-history>

**Clayton Public House Ltd - 09 Apr 2019 Dissolved Via Compulsory Strike-Off**

<https://find-and-update.company-information.service.gov.uk/company/10479773/filing-history>

**Old Flo's Ale House Ltd - 24 Apr 2018 Dissolved Via Compulsory Strike-Off**

Craven District Council's Licensing Policy states that *'it seeks to encourage 'responsibly managed' venues.'*

**Is The Ref & Whistle 'responsibly managed'?**

**Is the licensee a 'fit and proper person' to hold a Premises Licence?**

Residents believe that these are very important questions that need to be seriously considered at this Premises Licence Review.

Just taking into account the way the licensee has behaved during this pandemic, it is difficult to see any other answer for both of these questions other than 'No'.

The licensee's actions and, just as important, inaction have been completely inexcusable and totally irresponsible. This has frequently jeopardised public safety, has put peoples' lives at risk, and has caused a good deal of public nuisance.

**The licensee may well claim, yet again, that he had been 'misadvised'. This is absolutely no defence and does not excuse his very concerning behaviour.**

I, Burrow..., hereby declare that all information I have submitted is true and correct.

Signed:



Date: 15<sup>th</sup> February 2021

Please send the completed form before the deadline to:

Craven District Council  
Licensing  
1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

Alternatively, the form may be emailed to: [licensing@cravendc.gov.uk](mailto:licensing@cravendc.gov.uk)

Directory Name	File Name
.\2020-01-26 - Live music - Breach of NMP & Planning	<b>1810 26012020 - Live Music, Breach of NMP 'but needs to be louder' 60dB+.avi</b>
.\2020-08-15 - Football Fans_Covid, Licensing, Planning Breaches	<b>1943 15082020 - Football Fans.mp4</b>
.\2020-08-15 - Football Fans_Covid, Licensing, Planning Breaches	Ref&Whistle 1930 150820.jpg
.\2020-09-13 - Argument	<b>1809 2020-09-13 - Face to face agument.mp4</b>
.\2020-09-13 - Argument	1809 2020-09-13 - Face to Face Argument.jpg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	1736 19092020 - Lads outside.jpeg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	1754 2020-09-19 - Crowd and Car.jpg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	1757 2020-09-19 - Crowd and passersby.jpg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	2020-09-19 - Drinking_Noisy_Littering.jpg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	<b>2020-09-19 - Littering [1].mp4</b>
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	<b>2020-09-19 - Littering [2], Alcohol outside.mp4</b>
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	<b>2020-09-19 Alcohol outside_Group of 7.mp4</b>
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	2020-09-19 Littering.jpg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	2020-09-19 Noise.jpg
.\2020-09-19 - Crowd Outside_Covid, Licensing, Planning Breaches	<b>2020-09-19 Noise_Obstructing Pavement.mp4</b>
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches	<b>1820_29092020 - Singing in Street.mp4</b>
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\CCTV - Singing in Street, Behaviour in Bar, Urinating\CCTV player app if needed	<b>CCTV player.zip</b>
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\CCTV - Singing in Street, Behaviour in Bar, Urinating	1920 2020-09-29 - Anti-Social Noise & Urinating_Licensee just watches.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\CCTV - Singing in Street, Behaviour in Bar, Urinating	<b>ch05_20200929183003_Singing in Street_Partying.mp4</b>
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\CCTV - Singing in Street, Behaviour in Bar, Urinating	<b>ch05_20200929185046_Partying and Littering.mp4</b>
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\CCTV - Singing in Street, Behaviour in Bar, Urinating	<b>ch05_20200929193253_Noise nuisance_Urinating.mp4</b>
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Loud Singing, Licensee joining in, etc - Facebook Videos	<b>1634_29092020.mp4</b> (Loud Singing – Leeds United – Licensee joins in)
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Loud Singing, Licensee joining in, etc - Facebook Videos	<b>1658_29092020.mp4</b> (Loud Singing)
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Loud Singing, Licensee joining in, etc - Facebook Videos	<b>1704_29092020.mp4</b> (Loud Singing – Music turned up – Licensee joins in)
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Loud Singing, Licensee joining in, etc - Facebook Videos	<b>1721_29092020.mp4</b> (Loud Singing – Licensee joins in)
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1200 29092020 Early Start - Midday.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1402 29092020 – White (Yorkshire) Rose [1].jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1402 29092020 – White (Yorkshire) Rose [2].jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1634 29092020 - No Masks Bar Service.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1634 29092020 - Singing.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1635 29092020 - Singing Landlord.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1636 29092020 - Keighley & Skipton shake on it.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1658 29092020 - Singing.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1704 29092020[2] - Singing.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1713 29092020 Group Photo - Leeds, Skipton, 3 Keighley.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1713_29092020 Group Huddle, no social distancing.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1721 29092020 - Landlord & Guys from Leeds & Keighley.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1722 29092020 - Landlord & Guy from Leeds.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1722 29092020 - Singing [2].jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1722 29092020 - Singing.jpg
Continued Overleaf	Continued Overleaf



Directory Name	File Name
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1723 29092020 - Only mask seen that day.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1723 29092020 - Singing (2).jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1723 29092020 - Singing.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1723 29092020 -Landlord.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1724 29092020 - Guys Leeds & Keighley.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1724 29092020 - Landlord & Guys from Leeds & Keighley.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1820 29092020 - Singing in Street_[x3].jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	1920 2020-09-29 - Anti-Social Noise & Urinating.jpg
.\2020-09-29 - Guys from Keighley & Leeds_Covid, Licensing, Planning Breaches\Pictures	Narrow Street.JPG
.\2020-10-03 - Pouring Liquid down Public Storm Drain	1945 20201003 - Pouring liquid down Storm Drain.png
.\2020-10-03 - Pouring Liquid down Public Storm Drain	<b>ch05_20201003195951.mp4</b>
.\2020-10-03 - Pouring Liquid down Public Storm Drain	Commercial Waste [Previous examples reported to Environment Agency].jpg
.\2020-10-17 - Parking - Trespassing	<b>20201017 1757_Trespassing [Mobility Scooter].wmv</b>
.\2020-12-05 - Tier2 Infringements_Covid Breaches	1535 05122020 [1].jpg
.\2020-12-05 - Tier2 Infringements_Covid Breaches	1535 05122020 [2].jpg
.\2020-12-05 - Tier2 Infringements_Covid Breaches	1535 05122020 [3].jpg
.\2020-12-05 - Tier2 Infringements_Covid Breaches	<b>2157 05122020 - Inibriated Patrons inc swearing and littering [linked videos].avi</b>
.\2020-12-05 - Tier2 Infringements_Covid Breaches	2157 05122020 - Inibriated Patrons inc swearing and littering.zip
.\2020-12-05 - Tier2 Infringements_Covid Breaches\Individual Videos [2157 05122020 - Inibriated Patrons inc swearing and littering]	<b>2157 05122020.mov</b>
.\2020-12-05 - Tier2 Infringements_Covid Breaches\Individual Videos [2157 05122020 - Inibriated Patrons inc swearing and littering]	<b>2158 05122020_.mp4</b>
.\2020-12-05 - Tier2 Infringements_Covid Breaches\Individual Videos [2157 05122020 - Inibriated Patrons inc swearing and littering]	<b>2159 05122020.mov</b>
.\2020-12-05 - Tier2 Infringements_Covid Breaches\Individual Videos [2157 05122020 - Inibriated Patrons inc swearing and littering]	<b>2200 05122020.mov</b>
.\2020-12-09 - Noise, Swearing	<b>1732 09122020 - Part of noisy coversation inc swearing.avi</b>
.\Bin, Fascist poster, etc	20200108_090108.jpg
.\Bin, Fascist poster, etc	Drinking Back Door 09022020_.jpg
.\Bin, Fascist poster, etc	IMG_20201014_073244.jpg (Waste Bin)
.\Bin, Fascist poster, etc	IMG_20201021_095528.jpg (Waste Bin)
.\Bin, Fascist poster, etc	IMG_20210115_144311.jpg (Waste Bin)
.\Bin, Fascist poster, etc	IMG_20210129_093813.jpg (Waste Bin)
.\Bin, Fascist poster, etc	IMG_20210203_100106.jpg (Waste Bin)
.\Bin, Fascist poster, etc	Pavement Signage [0].jpg
.\Bin, Fascist poster, etc	Plants.jpg
.\Bin, Fascist poster, etc	Poster - Under attack from Fascist 12022020.jpg



**The Ref and Whistle, 9-11 Court Lane, Skipton – Premises Licence Review**  
**Examples of ‘Promotion of Licensing Objectives’ issues.**

**Appendix 1**



**Total lack of regard for the Locality, Planning Conditions, CDC Authority and own Noise Management Plan (NMP).**

CDC Planning Enforcement had advised the licensee to stop these live events back in October 2019 **but the licensee continued regardless.**

Following the Mike Burtoft event (1<sup>st</sup> Dec 2019), traffic was backed up along Court Lane and out onto Newmarket Street with horns blaring due to a taxi blocking Court Lane for quite a while, waiting for a patron to leave the bar.



**Total lack of regard for the Locality, the Environment, Public Safety, Public Nuisance, own NMP (waste management) and ‘the Authorities’ (CDC and Environment Agency).**

Pouring Commercial Waste down the public storm drain, polluting Waller Hill Beck for several months.

Leaving beer barrels unattended on the public highway jeopardising public safety and causing public nuisance.

Instructed by The Environment Agency that he should not be pouring anything down the public storm drain.

Instructed by CDC Environmental Health that he needed a permit.

**Despite these warnings, the licensee was seen again pouring liquid down the public storm drain 19:45 3<sup>rd</sup> Oct 2020.**



**Lack of regard for the Locality, Conservation Area, Residential Amenity and Planning Conditions.**

**13 Aug 2019 - Licensee installed air-conditioning units on premises roof in direct contravention of a very specific Planning Permission Condition.**

The units were initially installed on the side of the premises, overhanging adjacent property/land, in full public view in Skipton's Conservation Area with **no regard for the property owner or the locality.**

Negative effect on Residents' Outlook across Conservation Area Roof Scape.



**Total lack of regard for Covid-19 Regulations, Locality, Public Safety, Public Nuisance, Planning Conditions, Licensing, nearby Residential Properties, and Licensee's own NMP and Operating Schedule.**  
(Video evidence supplied, as requested, to Craven District Council Licensing Manager.)



**15<sup>th</sup> August 2020** – Very noisy crowd spilling out onto public pavement and public highway. Singing/chanting football songs for well over an hour. Obstructing public pavement and public highway. Allowing drinks 'off premises'. Taking alcohol onto public highway. No social distancing inside or outside the bar. Standing allowed inside the bar. No masks.  
**No action taken by the licensee.**

**Lack of regard for Covid-19 Regulations, Locality, Public Safety, Public Nuisance, Planning Conditions, Licensing, nearby Residential Properties, and the Licensee's own NMP and Operating Schedule.**  
(Video evidence supplied, as requested, to Craven District Council Licensing Manager.)



**19<sup>th</sup> August 2020** – Noisy crowd spilling out onto public pavement. Allowing drinks 'off premises'. No social distancing inside or outside the bar. Standing allowed inside the bar. No masks. Littering. Obstructing public pavement and bar entrance.  
**No action taken by the licensee.**



**Complete lack of regard for Council's Authority, Covid-19 Regulations, Public Safety, Public Nuisance, Planning Conditions, Licensing, Residential Amenity, and Licensee's own NMP and Operating Schedule.**

**\*\*Just 4 days after a visit by Licensing & Environmental Health, and a warning letter from Planning Enforcement\*\***

(Video evidence supplied, as requested, to Craven District Council Licensing Manager.)



**29<sup>th</sup> September 2020** - Patrons from Leeds, Keighley, Skipton. **Licensee joins in, rather than taking action.**

**Residents of Keighley (and Leeds) were not allowed to mix indoors with people from other households, never mind come all the way to Skipton to 'party'!** Serious Social Distancing issues inside and outside the bar.



**29<sup>th</sup> September 2020** - Loud singing - Patrons from Leeds, Keighley, Skipton. **Licensee joins in, rather than taking action.**

**A government report states that shouting or singing loudly can produce 20-times the mass of aerosol (which carries/transmits the virus) than speaking at a normal level of loudness. This is regarded as a high-risk activity, even more so when ignoring social distancing and no masks whilst standing and moving about the bar.**



**29<sup>th</sup> September 2020** - Patron from Keighley and female patrons singing very loudly and dancing in the street and public highway, accosting passers-by. Obstructing public pavement and public highway. No social distancing.

**Anti-Social behaviour in the street. No regard for Public Safety or Public Nuisance, NMP or Residential Amenity.**

**Licensee takes no action.** Patrons allowed back in the bar to rejoin 'the party' inside for another hour.



**29<sup>th</sup> September 2020** - Patron from Keighley continues to consume alcohol whilst urinating on a wall where the public often sit. **Licensee had followed him out of the bar.**

Female patron and male occupants of vehicle, that had just pulled up, creating great deal of noise right next to Licensee.

**Licensee, standing outside the doorway with a drink, takes no action, except to hug the female patron to his right and rejoin 'the party' inside.**

**Anti-social behaviour, alcohol allowed off premises, urinating in public, no social distancing. No regard for Public Safety, Public Nuisance, Licensing, Residential Amenity, NMP or Operating Schedule.**



### Lack of regard for Covid-19 Regulations (Tier 2), nearby Residents, and Licensee's own NMP (Video evidence supplied, as requested, to Craven District Council Licensing Manager.)



5<sup>th</sup> December 2020 – The bar was very busy with patrons drinking with very limited evidence of food being served. What 'small snacks' were seen were definitely not 'Substantial Meal' size. Licensee seen wandering around the bar without a mask. Concerns regarding social distancing. Noisy, drunken conversations heard later in the evening. One patron was so drunk she could not stand unaided (she can be seen lying on the pavement in the above image (video supplied)).



### Lack of regard for Authorities. Intimidating Behaviour (example).

12<sup>th</sup> February 2020 - putting up a large, hand-drawn poster in the bar window stating, "We are under attack from Fascist..." following a visit from Craven District Council.



### Lack of regard for Locality and Public Safety. Littering. (examples)

Street signs, pot plants and bin obstructing public pavement. The waste bin has been left out on the public pavement 24/7/365 since the bar opened, often unemptied and overflowing, even during extended Covid-19 lockdown periods.



### Additional Lack of regard for Residential Amenity (examples).

Patrons using residents' covered entrance way as a smoking/drinking shelter (contravening **No Smoking laws, NMP and Operating Schedule**), and frequently using resident's private parking space. Both are trespassing.



Date/Time	Main Recipients	Subject Title
01/07/19 18:08	Tim Chadwick	Re: Ref an Whistle
03/07/19 15:08	Tim Chadwick	Re: Ref an Whistle
09/07/19 20:46	Tim Chadwick	Re: Ref and Whistle, 9-11 Court Lane, Skipton (Photos Included)
03/12/19 17:52	Tim Chadwick	Ref & Whistle, Court Lane, Skipton - Licensing Infringements
11/12/19 14:26	Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
19/12/19 19:55	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
06/01/20 10:18	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
28/01/20 09:02	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
06/02/20 16:20	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
10/02/20 19:31	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
11/02/20 14:15	Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
13/02/20 11:16	Craven District Council/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
13/02/20 17:18	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing Infringements
14/04/20 09:14	Environmental Health/Planning	Environmental Health queries regarding the Ref & Whistle, 9-11 Court Lane, Skipton
24/04/20 11:32	Andrew Dent	Re: Environmental Health queries regarding the Ref & Whistle, 9-11 Court Lane, Skipton
24/04/20 13:19	Annette Moppett/Tim Chadwick	Re: Ref & Whistle, Court Lane, Skipton - Licensing and Planning Infringements - CDC's Environmental Health reference :373193
17/08/20 10:01	Guy Close/Tim Chadwick	Ref and Whistle planning complaint update?
17/08/20 15:03	Lisa Lord	Re: Ref and Whistle planning complaint update?
18/08/20 09:38	Lisa Lord	Re: Ref and Whistle planning complaint update?
18/08/20 16:27	Tim Chadwick	Re: Ref and Whistle planning complaint update?
24/08/20 17:54	Tim Chadwick	Re: Ref and Whistle planning complaint update?
22/09/20 11:13	Craven District Council/Tim Chadwick	Re: Ref and Whistle planning complaint update?
25/09/20 18:58	Tim Chadwick	Re: Ref and Whistle
28/09/20 20:07	Tim Chadwick	Re: Ref and Whistle
29/09/20 19:06	Tim Chadwick/EH/Planning Enf.	Re: Ref and Whistle
29/09/20 20:08	Tim Chadwick/EH/Planning Enf.	Re: Ref and Whistle
01/10/20 17:17	Tim Chadwick/EH/Planning Enf.	Re: Ref and Whistle
09/10/20 14:54	Tim Chadwick/Richard Foster	Cllr Richard Foster's concerns regarding Covid-19 in Craven
15/10/20 14:06	Tim Chadwick	Re: Ref and Whistle
31/10/20 11:50	Tim Chadwick/EH/Planning Enf.	Fwd: Ref and Whistle
03/12/20 09:33	Annette Moppett/Simon Myers	Formal complaint regarding lack of response to communications (for over nine weeks) by CDC Licensing
30/11/20 18:22	Annette Moppett/Simon Myers	Fwd: Ref and Whistle
03/12/20 09:39	Annette Moppett/Simon Myers	Zippped email trail regarding Ref and Whistle.
06/12/20 21:55	Tim Chadwick/EH/Planning Enf.	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
07/12/20 14:39	Tim Chadwick/EH/Planning Enf.	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
08/12/20 11:16	Tim Chadwick/EH/Planning Enf.	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
08/12/20 15:34	Tim Chadwick/EH/Planning Enf.	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
08/12/20 15:53	Cllr Andrew Brown	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
09/12/20 09:24	Tim Chadwick	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
09/12/20 19:28	Annette Moppett/Tim Chadwick	Re: Ref & Whistle - complaint
10/12/20 14:31	Tim Chadwick	Ref & Whistle - Covid-19 Tier 2 regulation breaches and Licensing and Planning Condition infringements 5th and 6th December 2020
14/12/20 21:04	Tim Chadwick	Re: Ref & Whistle PL0848
27/01/21 10:12	Tim Chadwick/PC Jackie Allen NYP	Licensing Review - Ref & Whistle, Skipton


18/02/2021

Dear Sir/Madam

I have an interest in a property within Providence Quarter, which is a neighbouring property to the above licence premises.

I wish to register my objection to the continuation of the existing Licence for these premises. Since the business was opened, it has been operated with a disregard to Licensing (and Planning) conditions. This is particularly so in relation to matters of Public Safety (especially with regard to COVID-19 safeguards) and Prevention of Public Nuisance. I have seen and confirm the contents of the Representation made by Stephen Burrows dated 15th February which sets out in detail some of the incidents which illustrate the manner in which the Licence has operated the premises.

Yours faithfully

 Ayre  
Providence Quarter  
Skipton  
BD23 1FA

I [REDACTED] Lawther of flat [REDACTED] Providence quarter Skipton make representations in support of the review of the licence now held by THE REF AND WHISTLE

I live directly opposite the premises and can confirm that I have personally witnessed many incidents of drunkenness and disorderly street behaviour by patrons of the pub.

I have often been disturbed by rowdy singing both from inside the premises and from people standing outside drinking .

It seems that the owner has little regard for covid regulations as during the first lockdown there were many instances when they seem to be ignored .

I have read the notice sent in by Stephen Burrows and I can personally testify that the instances he quotes have been witnessed by me. It is getting out of hand

The licence needs to be reviewed and if the owner continues to abuse the licence then the licence ought to be revoked.

I hereby authorise Stephen Burrows to represent me at any future hearing.

Tel:  
email:

February 3rd, 2021

Dear Craven Councillors

My name is Newell Thornton and I am a resident of Providence Quarter and writing regarding the upcoming Premises License Review Representation pertaining to the Ref and Whistle Micro pub on Court Lane, Skipton.

I live on the third floor of Providence Quarter, directly opposite and overlooking the Ref and Whistle. I have lived at this location for just over a year, having moved back to the U.K. after many years living in Canada. From the outset, I became aware of the noise and behaviour problems that the activities at the Ref and Whistle posed.

Patrons would invariably spill out onto Court Lane - sometimes in small but noisy smoking groups, but often in larger groups of up to a dozen people. The patrons would often leave the door to the Ref and Whistle open - allowing the noise and music of the premises to flood the street. Effectively, the street becomes a sort of extension to the premises themselves.

Very often they would carry their drinks out with them and obstruct both the pavement and the roadway, presenting a considerable safety hazard for pedestrians and traffic - as well as a noise nuisance that was impossible for me to shut out or ignore. My living room and bedroom are mere feet from the Ref and Whistle, so these street activities might as well be taking place in my own apartment.

In my time here I have witnessed many instances of anti-social behaviour including, smoking, swearing and spitting (often in combination), rough-housing and overt, demonstrable drunkennes. For example, on the evening of December 5th 2020, around 9:55 p.m. I witnessed a group of people exiting the Ref and Whistle assisting one lady who appeared to be extremely drunk. They meandered their way to the Tapas bar next door where they entered the restaurant with some difficulty. The lady who appeared drunk, collapsed in the entrance. The owner of the Tapas restaurant then came, switched off the external lights to the restaurant and proceeded to help drag the lady back out onto the street - still unable to stand. Several of the lady's helpers also appeared to be significantly refreshed with alcohol. Meanwhile another group of ladies were holding a drunken philosophical conversation outside the entrance to the Ref and Whistle.

On September 29th in the afternoon there was a large and noisy gathering at the Ref and Whistle - with zero social distancing in evidence. This culminated in an impromptu singing performance by one of the patrons, taking place outside the premises in the middle of Court Lane. This included an attempt at dancing with another patron and obstruction of passers-by and traffic. Later that afternoon I passed by the pub and noticed that the party (because most gatherings at the pub resemble private parties, rather than a group of unrelated locals) was continuing. Again, I could see no attempt at social distancing taking place.

Throughout the last Tier 2 restrictions, the disregard for Covid 19 guidelines at the Ref and Whistle was beyond belief. The pretence at providing substantial meals was laughable. I don't think I have ever seen a face-covering been worn by any of the patrons at the Ref and Whistle and there was a total disregard for any level of social distancing. Symptomatic of the general disregard shown by Ref and Whistle patrons for any rules or regulations designed to allow for a safe and peaceful enjoyment of life by local citizens.

I am new to the ways and procedures of local government in English municipalities but I understand that Craven Council has several different departments with different areas of jurisdiction. However, I find it inconceivable that this kind of anti-social behaviour is condoned and allowed to continue by the council as a whole. It astounds me. I lived and worked in Toronto for over 40 years - much of my professional life spent in the beverage alcohol industry and I can assure you that there is zero tolerance for alcohol-related anti-social behaviour there. Prospective licensees must pass a rigid screening process before being granted a license and must demonstrate ongoing control over the behaviour of their patrons. Failure to do this results in immediate closure by the police.

If the Ref and Whistle had been run in a responsible and considerate manner, I am sure local residents would have embraced it as part of their social lives. This has not been the case however and the behaviour that I have witnessed there makes it a place to be given a wide berth. In fact it represents not only a local nuisance - affecting the enjoyment of life by neighbouring residents - but also a very real danger to public safety and health.

As I understand it, the licensing process has four stated objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The behaviour I have witnessed at the Ref and Whistle, clearly contravenes at the very least, the first three of these.

I urge the council to consider the legitimate and crucial concerns of responsible Skipton residents when they review the license of the Ref and Whistle.

Sincerely



**From:** Roger Beck [REDACTED]  
**Sent:** 06 February 2021 11:38  
**To:** Licensing <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)>  
**Subject:** Re: Objection in respect of the Review of a Premises Licence at the Ref and Whistle Ltd, 9 Court Lane, Skipton BD23 1DD

Dear Sir

It is understood that representations can be made in respect of the above.

We wish to add our objections in support of the Review of a Premises Licence at the Ref and Whistle Ltd, brought by Councillors Dawson and Noland, at 9 Court Lane, Skipton BD23 1DD, the Licence Holder being Simon Greaves under Licence no. PL0848. Two of the four licencing objectives, namely Public Safety and The Prevention of Public Nuisance, have clearly been flouted at the Ref and Whistle for some considerable time.

Yours sincerely

Roger and Janet Beck, Apartment [REDACTED], Providence Quarter, Providence Place, Skipton BD23 1FA.

Mon 01/02/2021 20:32

From: [REDACTED]

Ref and Whistle Premises Licence Review 19 February 2021/Bennett [REDACTED] Providence Quarter.

Tim Chadwick, below is our submission to the committee in respect of the Premises Licence Review Representation jointly submitted by Councillors Dawson and Noland.

We are residents from Providence Quarter and live opposite the Ref and Whistle; our lounge and bedroom overlook the bar and from the windows we can see directly into the premises.

From the time the bar first opened there has been ongoing problems for residents living in the vicinity of nuisance, noise, social disorder and concerns for public health and safety, some incidents, of which, are documented by the council who have intervened on occasion. Specifically these include customers congregating outside drinking, smoking and partying on the street, talking in loud voices and blocking the pavement, loutish and inebriated behaviour, (one of them peed in our garden while clutching a drink) and playing live music without a licence.

Please note these have been regular and ongoing and are clearly in breach of Planning and Licensing regulations. Most concerning is the blatant disregard for public health and safety displayed in the management of the bar during the pandemic and non compliance with COVID laws and regulations.

From our observations since the COVID guidance and regulations started the system at the bar has been very much business as usual. We have seen customers entering and moving around in the bar without masks or observance of social distancing, we have not seen anyone scanning the NHS Track and Trace app which is outside on the window when entering, the landlord moving about between customers without a mask, on one occasion we saw him with a mask but it was pulled down around his neck, customers sharing tables in a small space, lax table service, customers in a huddle together outside, again no social distancing. The bar is small yet on occasions has been crowded with no room for 2 meter spacing. (See below snap shot from customer review on Google about concerns over safety)

We were surprised to see the bar open after Skipton went into tier 2 under the pretext of serving "substantial" meals. We could see quite clearly the odd plate on a couple of tables with what looked like cakes and a few small snacks. The size of the snacks reduced as the days went on, until nothing but an empty plate was displayed on one table. This went on every day until the bar was closed down by the council. In any event the bar does not have facilities for the provision of food with no kitchen and only one wc.

We are concerned and frightened about the risk to ourselves and others of the propensity to spread infection through the activity and clientele in these premises situated just across the road from where we live. We like many others are living under these draconian restrictions afraid to go out or pass people in the street for fear of catching this dreadful disease. At the same time we are having to suffer the complete disregard by the management of these premises of their legal and social responsibilities and thereby selfishly putting others folks at risk. Since the bar opened the landlord has shown no respect for neighbours, the authorities or the community, he has cocked a snook at the council and in effect does what he likes; he has proved he will never tow the line, is not fit to run licensed premises and we believe it should be revoked.

Please confirm receipt .

Thank you.

1/2/2021

Paul and Pam [REDACTED]

[REDACTED] Providence Quarter.



19:00



ref and whistle skipton



ALL

MAPS

IMAGES

SHOPPING

NEWS

## The Ref & Whistle Ltd

4.7 ★★★★★ (17)

Bar



OVERVIEW

REVIEWS

PHOTOS

ABOUT

### Google review summary



4.7 ★★★★★ (17)



### Google reviews



Sort

**petes\_awreet**

Local Guide · 1,084 reviews · 5,304 photos



★★★★★ 2 months ago

Some decent ale and nicely done but the social distancing needs some seriously looking at. I didn't feel safe at all.



1



Discover



Snapshot



Search



Collections



More





**From:** [REDACTED]  
**Sent:** 15 February 2021 14:02  
**To:** Tim Chadwick <[TChadwick@cravendc.gov.uk](mailto:TChadwick@cravendc.gov.uk)>  
**Subject:** Premises Licence PL0848 - The Ref and Whistle. Court Lane, Skipton. Licensee Mr Simon Greaves

Dear Mr. Chadwick,

The following is my submission to the Licensing Committee in respect of the Premises Licence review for the Ref and Whistle, Court Lane, Skipton.

I am submitting my comments in my capacity as Chairman of Providence Quarter Limited which is the residents management company for the 39 Providence Quarter apartments. I am aware that some residents have done or will be submitting their own representations direct to you and therefore this representation is in support of such representations and also on behalf of the remaining residents who have chosen not to submit their own comments directly.

From the day this bar was opened there has been a series of breaches of licensing, planning, environmental and public order regulations. The Licensee has repeatedly ignored each and every directive issued to him by the authorities with complete and utter disregard for the Licensing objectives in the belief that he can simply carry on as he likes without repercussions. This licensee has history and has demonstrated in the past that he cannot be trusted to responsibly manage a licensed venue and is clearly not a "fit and proper" person to hold a Premises Licence.

Many of the incidents involving breaches of the Licensing objectives are well documented and I have no wish to repeat verbatim the submission already made to you by Mr. S Burrow. However, I fully endorse and support his comments. There is clear evidence that the actions (or lack of action) by the Licensee is in contravention of the Licensing objectives namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The breaches of Covid 19 regulations has taken the Licensee's attitude to an even greater level of irresponsibility, putting lives at risk and impinging upon the licensing objectives of prevention of crime and disorder and public safety. There are clear precedents from Licensing Authorities up and down the country for revocation of licences in such circumstances and Craven District Council are urged to do the right thing and provide the protection that residents are entitled to.

Please note that I am happy for Mr. S Burrow (who is also a Director of Providence Quarter Limited) to speak at the hearing on my behalf.

Yours sincerely

Peter Carruthers - Chairman

Providence Quarter Limited

■ Providence Quarter, Providence Place, Skipton, BD23 1FA

**From:** [REDACTED]  
**Sent:** 15 February 2021 14:45  
**To:** Licensing <[Licensing@cravendc.gov.uk](mailto:Licensing@cravendc.gov.uk)>  
**Subject:** Application for the review of a premises licence

Dear Sirs,

Re: Ref & Whistle Ltd. 9 Court Lane.

Premises licence number PL0848

We authorize Mr. S. Burrow of 310, Providence Quarter, to speak on our behalf for the above matter.

We endorse all representations and evidence submitted by Mr. Burrow.

Mr. Greaves has failed to maintain public safety standards on numerous occasions as demonstrated by Mr. Burrow. Mr. Greaves has disregarded the prevention of public nuisance regulations many times, again evidenced by Mr. Burrow.

Yours faithfully

Janet & Marcus Catling

[REDACTED]



**LICENSING ACT 2003 - REPRESENTATION FORM**

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

<b>Personal Details</b>	
Name:	FATTORINI
Address:	PROVIDENCE PLACE, SKIPTON
Postcode:	BD23 1FA
Contact telephone number(s)	
Daytime:	Mobile:
Email address:	

<b>Licence application about which you wish to make a representation</b>	
<i>You do not need to answer all of the questions in this section, but please give as much information as you can</i>	
Application Number:	
Licensee:	MR SIMON GREAVES
Name of Premises (if applicable):	REF & WHISTLE
Premises Address (where the Licence will take effect):	
	9 COURT LANE
	SKIPTON
Postcode:	BD23 1DD

<b>Reason/s for representation</b>
<i>Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered.</i>
<i>Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.</i>

**The Prevention of Crime and Disorder****Public Safety**

Patrons obstructing public pavement while drinking / smoking

Beer barrels left unattended on public highway

**The Prevention of Public Nuisance**

Obstructing access to residents' parking  
eg vans with beer barrels to deliver/collect

Patrons using residents' private land as smoking shelter

**The Protection of Children from Harm**

I, Fattorini, hereby declare that all information I have submitted is true and correct.

Signed:

Date: 15 February 2021

Please send the completed form before the deadline to:

Craven District Council  
Licensing  
1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

Alternatively, the form may be emailed to: [licensing@cravendc.gov.uk](mailto:licensing@cravendc.gov.uk)

From: [REDACTED]

Date: Wed 17/02/2021 13:12

Good Afternoon

I am writing in support of my neighbour Steven Burrow's representation regarding the licence of the above premises.

I have, along with my husband, witnessed much of the behaviour contained and evidenced in his submission and I have attended the previous hearings of the planning and licensing committees. We have never objected to the change of use of the premises, I am a Skipton person and knew that moving to the centre of the town would mean living in a mixed environment.

I have to say that the conduct of the landlord has now become beyond the pale.

Steven has evidenced repeated undermining of the licensing objectives particularly those referring to public safety and public nuisance.

We have never had any communications with Mr Greaves, I have just been in the same room at the previous hearings. And yet before the recent lockdown my husband and I have been subjected to pointing and staring when we passed to enter our home.

It seems to us that there must now be concerns about Mr Greaves' fitness to run a business.

I am more than happy to be represented by Steven Burrow at the hearing.

Regards

[REDACTED] Hothersall  
[REDACTED] Providence Quarter  
Skipton  
BD23 1FA  
Tel. [REDACTED] or [REDACTED]

Tue 02/02/2021 14:14  
Councillor Andrew Solloway  
Representation To Licensing Appeals Committee, Ref and Whistle

Dear Tim,

I would like to submit the following to be considered by the Appeal hearing, in support of Cllr Noland and Cllr John Dawson in asking for this review

As well as a CDC Councillor, I am currently the North Yorkshire County Councillor for the area of Skipton West Division, where these premises are located. North Yorkshire County Council has a big function of being responsible for Public Health, and as such have taken a lead in this area on all kinds of levels. I have fully supported our Public Health staff and as such what I witnessed at the Ref and Whistle on a number of occasions, caused me great concern. In the time just before pubs and bars were closed by the lockdown before the Christmas period, I saw breaches of social distancing rules, I saw breaches of numbers of patrons on the premises and I also witnessed breaches of the rule that alcoholic drinks should only be served with substantial meals. This is at a time when other premises in Skipton that couldn't adhere to the "substantial meals" rule, remained shut. A few of the other premises licensees have expressed their concerns to myself regarding the Ref and Whistle.

I would therefore want to ask the Appeal Panel that given the breaches of Covid Legislation by this license holder, compared to the adherence by other establishments, is the license holder a "fit and proper person" to continue to hold a license?

From a Public Health perspective, given that we have new, more infectious strains of the virus emerging, that social distancing and restrictions on premises operations is going to be with us for some time, I strongly feel that the answer is no.

Hope this helps

Cllr Andy Solloway  
CDC Skipton South Ward  
NYCC Skipton West Division

11/2/21

To Whom It May Concern.

RE: SIMON GREAVES, REF & WHISTLE MICRO PUB.

Myself and my partner, Glynn McConnell are writing this letter in support of Simon Greaves.

Glynn is 68 and I am 63 so therefore we prefer going to a pub that is a bit more quieter than most.


Simon has made us very welcome on all occasions that we have been to his pub. His prices are fair, service is prompt, his regulars are friendly people and there is never any trouble. In fact, we have made many friends there now.

He has also been working very hard to keep his clientele happy by supplying food on special occasions, organising pool competitions and of course this was all pre-COVID.

We look forward to returning to the Ref and Whistle when it is safe to do so and would feel safe doing so.

Yours faithfully

 Robinson (Mrs)




Dear Sir / Madam

I am the owner / Manager of Skipton balti house for over 15yrs now, I have known Simon greaves manager of the ref & whistle for nearly 2 years now in that time we have become really good friends, from time to time I go to the ref & whistle as Simon helps me when I need change, I have always found Simon and his customers to be very respectful.

I would like to add that I have never seen or heard any bad behaviour or bad language from Simons customers.

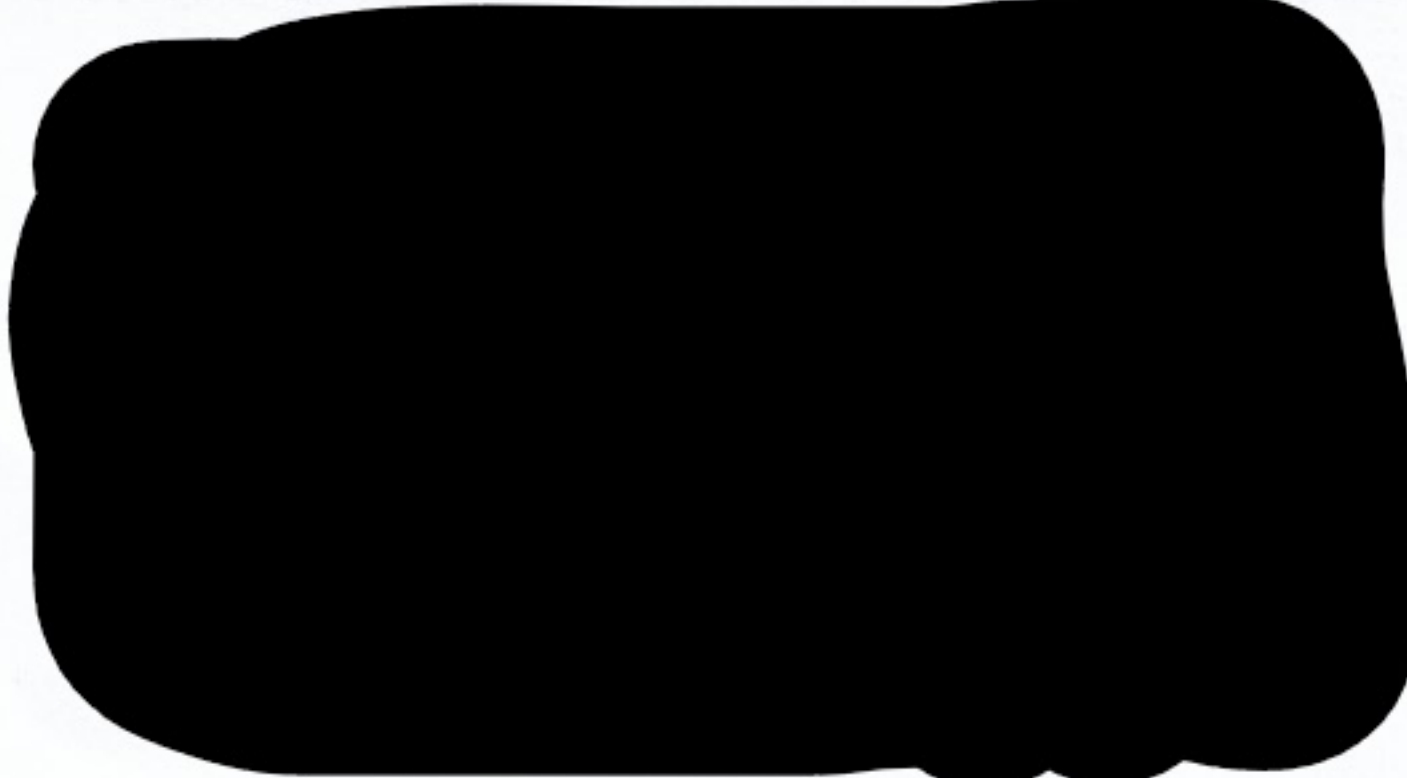
Simon and his wife visit my establishment for a meal and to have a chat, also he sends business to me which is appreciated. I wish all the business in Skipton was as helpful.

We wish Simon and Wendy well.



10.02.2021.



  
To whom it may concern.

We started going in The reff and whistle June 2019, as we saw some friends of ours in There, its a social gathering place, where we have met some lovely people and new friends, Simon as built up some customer base, and going The reff is like seeing family as well, and would be lost without The pub, Simon as been a good to friend to us both in the last few months, and a pleasure to know. He's had no support from the government in these testing times, and put his life savings into The reff and whistle. We will therefore support him in future.

Your sincerely

Mr & Mrs Murdoch.





North Yorkshire,

[Redacted]

Telephone [Redacted]

To whom this may concern,

I have known Simon Greaves and I have frequented the Ref and Whistle, Court Lane, Skipton, for around 2 years and I have always found Simon and his establishment to be of exemplary behaviours as well as the many customers I have come to know, like and appreciate.

As an army veteran with health and hearing issues, I find that the Ref and Whistle is my ideal home from home to meet, socialise and be a part of the local community and I feel that Simon's professionalism and warm nature play an essential part of the whole social hub in Skipton.

I am at home in the company of other veterans who cheer this establishment as not just a pub and I also wish to point out that many tourists and like-minded people travel a fair bit to appreciate the products that Simon sells and this is not only local produce, but he also caters for aficionados of beer and cider from around the World and in this sense, his clientele and range of produce far outweigh many other premise in this beautiful town they commonly refer to as the gateway to the Dales.

During these awful times of covid19, I honestly believe that Simon has tried to maintain his customer base and to abide by the rules laid down by the authorities and I have personally witnessed him detailing the new customs of distancing, sanitising and mask wearing and I am assured he respects the law 100%.

I am very much aware of the cabal of particular neighbours to the Ref and Whistle and their demeanour and behaviours and as such I can only view their constant moans and conspiracies as no better behaviour than persons who operate a hateful madate towards Mr Greaves and his business in direct contract to the wishes of customers and residents of Skipton in general.

I cannot understand anyone who chooses to rent a property in the centre of a town like Skipton which has a traffic of persons whilst shopping, socialising and gathering to operate this intolerable behaviour as to a popular businessman whose only perceived crime is to run his business with a lawful and respectable view to his customers and the town of Skipton alike, there is no crime in my view, apart from individuals full of malice who wish to incriminate, harass and victimise a decent law abiding publican who is loved and respected by many, including myself, many friends and associates.

As regards the alleged rumours of excess noise, I would put it to the complainers that much noise and disturbance is created in the centre of the town by passers by and it does not solely incriminate Mr Greaves or his customers and from this point of view, I find the behaviours and actions of these parties to be most undignified, unwarranted and abominable and I absolutely wonder where on earth these bullies would choose to live without complaining and harassing anyone else who happens to be innocent of these ridiculous allegations.



I came to Yorkshire to write poetry and I find great enthusiasm and inspiration, not just from Simon's location but also from him and other customers, who all add to the likeability and charm of Skipton.

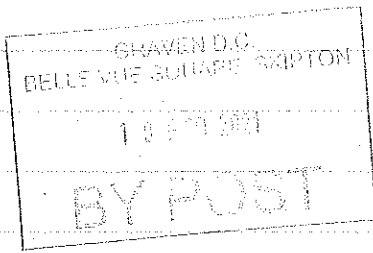
Regarding my disability, I would like it known that there are many pubs and places to go in Skipton but I would be upset and dismayed if the Ref and Whistle were no longer as I for one and many others would be left to choose a location which would not have the peace, quiet and warmth that Simon and his establishment give in fine measures.

I was overjoyed when I came to Skipton and as I live alone and have suffered trauma in my life, I do not consider any establishment to come anywhere close to the comfortable and welcoming pub that the Ref and Whistle has become for me and many others, I can reassure you.

I would make serious considerations as to whether Mr Greaves has broken the law or to have breeched any guidelines relating to COVID19 as I would ascertain during these difficult times, whether by oversight or possible misgivings, scant information has been made available and if there is any breach or crime at all, I think the authorities would do well to possibly issue warning but to penalise Mr Greaves or his business would be a severe loss to good relations in public faith and it would be seriously in detriment to the good work and relationships he has personally strived to earn on behalf and for Skipton as a whole and I would ask for leniency and an open mind in keeping the Ref and Whistle, as well as Skipton at the heart of the community, exactly where Mr Greaves' heart lies, with my utmost backing and absolute respect.

In essence, the Ref and Whistle has no competition and I would consider an end to my social existence in Skipton and I would definitely consider relocating as there is no place like the Ref and Whistle, anywhere, thank you.

[REDACTED] Beattie 11<sup>th</sup> February 2021.



12. 2. 20

Dear Sir/Madame  
RE - Ref & Whistle.

Being the age that I am mid 60s I am not a great fan of the majority of public houses in the town because I find them large, noisy and over crowded, they seem to only cater for diners and sports fans eg football, horse racing. To me and the majority of regulars in the ref and whistle it is a Sanctuary away from the madness that seems to be the norm nowadays. To find a bar nowadays that has no music, tv, gaming machine is a treat just good beer, good company and good conversation that you can hear plus rounded off with the two of the most friendly mine hosts you could hope for in Simon and Wendy. It might be a micro bar but it has a mega heart and would be a massive loss to a lot of people that just want a drink in a pub like they used to.

Yours



To whom it may concern

Let me begin by introducing myself to you. My name is [REDACTED] Claxton, I am in my sixties, am a local press photographer by trade, and spent several years in my forties and fifties as a Night Manager for the Hilton International group with responsibilities for, amongst other things, the sale of alcohol and care of guests who partook in said libation. I took enforced retirement in my early fifties, as the result of a stroke.

Said stroke manifested itself in many ways, one such way was social anxiety, which has caused me to be intolerant of loud or noisy groups of people that I do not know and I am not able to suffer fools or uncivilised behaviour easily.

My wife and I have visited north Yorkshire, predominantly Skipton, in the past whenever circumstances have allowed, as we are passionate Yorkshire people and we appreciate the stunning countryside, your iconic castle and the plethora of food and drink establishments you have to choose from.

One such establishment that suits our requirements is the Ref & Whistle micro bar on Court Lane which had on offer the choice of exceptional beers an entertaining and relaxing atmosphere with the locals all supervised by Simon and Wendy Greaves and their welcoming staff.

Following recommendations from the above our local excursions can leave us somewhat tired so we take advantage of the hotel next to the Ref & Whistle, which is Boutique 25. On occasions we have stayed over an extra day just to soak up more of the pleasant atmosphere back with Simon, his locals and their welcoming demeanour.

Please accept this correspondence as my testament to the way in which the landlord/landlady/staff have created and managed a comfortable and safe place within the hospitality industry in your town that accommodates someone with conditions similar to those of mine. They ought to be congratulated and thanked for encouraging this type of establishment and its customers into Skipton.

Yours sincerely

[REDACTED]

✓

Sound Bar Skipton Ltd,  
15 Swadford Street,  
Skipton,  
BD23 1RJ.

Feb 4<sup>th</sup> 2021.

Subject: Ref & Whistle license

To whom it may concern.

I have been made aware that following complaints there is to be a license review for the Ref & Whistle.

I understand most of these complaints are from a very small group of individual(s) who reside in Providence Quarter. For your information my wife and I own three properties in Providence Qtr, all of which were acquired at the time the property was being developed. We lived in one of those properties for approximately two years and have had all three apartments leased out to tenants, none of which have ever complained about noise from the Ref & Whistle.

Consequently, I feel we are in a good position to comment and add some perspective.


Without mentioning names, I can pretty much say with certainty who the complaining individual(s) is/are! They are the same people who got themselves into positions on the PQ residents committee and have done their utmost to turn PQ into some kind of retirement home. They complain about everything and have made life difficult for any tenants that don't meet their "perceived" requirements or abide by their contrived rules. These same individual(s) are now turning their attention to the Ref & Whistle.

As for the Ref & Whistle, it's a welcome addition to Skipton's independent micro bar scene, that is well liked by locals and tourists who seek out a relatively quiet bar with great beers. It generally appeals to an older clientele, as such hasn't had any trouble or required assistance from the police, doesn't play loud music and is usually closed by 9pm. So how can such a small bar that closes so early cause so much noise to warrant all these complaints, or can we consider that the person(s) complaining have an axe to grind?

Having lived in PQ we know very well the night-time noise in the area comes from two establishments adjacent to Providence Qtr on Newmarket Street. Both of which appeal to a much younger and noisier clientele and are both open well-after the Ref & Whistle closes its doors.

As you know all of us in hospitality are having a really tough time and bars such as the Ref & Whistle that haven't been open for long, who's owners have put everything into their business and who desperately need some income and return on investment need our support now more than ever. It would be a sad day if instead we entertained constant bickering from person(s), who frankly if they wanted such a quiet existence should have never bought properties in a busy town centre. Furthermore, I sincerely hope that the complainants are not signing on behalf of PQ residents as this would be grossly disingenuous.

Yours faithfully

  
David & Lorraine Forshaw  
Sound Bar & VSQ.

To whom this may concern.

I have run my Topes Bar on Court Lane for 4 years.

It is a lovely street with quite a few diverse businesses.

All the business owners on this street get on really well and help each other out when needed.

Simon and Wendy have had the bar next to me for close to 2 years. It is a lovely quiet relaxing bar for people to call for a beer and a chat.

It seems that the only people who have a problem with his bar are some of the people who are on the committee for providence quarter.

I myself have had similar problems with these people, but eventually they stopped. Now they seem to be picking on another small business.

In these hard times we are all trying  
our hardest to keep open and run our  
businesses to the best of our ability.



GREENWOOD,

Dear Sirs,

I'm very sorry to hear that a small number of residents that live near to the Reg & Whistle bar are attempting to get Mr. Simon Greaves licence revoked. These same number of residents seem to do nothing else but watch the bar and seem hell bent on closing it down.

I'm a local person as one would say bred and born in this wonderful town of ours and I'm also a user of The Reg & Whistle and I have never seen any problems with its running in fact all I see is local people enjoying themselves. I'm a member of the Royal British Legion Shiplon branch in my years I've earned the legion standard also the Parachute Reg. Standard I would also like to mention Mr Greaves

also runs rallies in aid of the Legion.  
My thoughts on this issue would  
be for all parties to meet with  
the Council to try and resolve  
these issues. I would think that  
the last thing Skipton wants is  
another shop closed. Thank you.

yours sincerely





Dear Sir / Madam

I am writing this letter in regards to the recent noise complaint concerning "The Ref & Whistle" and this is my view of events.

We are the owners of the shop 3 doors up called "Scented Creations" on Court lane. We both opened our shops at a similar time to each other.

I have never experienced ant loud noise or noises coming from the Ref & Whistle, although we finish at 4pm every day. There have been a few occasions when we have worked later into the night and still have not heard a substantial amount of noise.

We have been in a few times after work on the weekend and on every occasion, it has been a quiet atmosphere with no music playing at all in the background, and there is no outside seating which means there are no customers outside permanently. It is not like other pubs/bars where you have to shout to be heard, we were able to talk normally.

Hope this letter helps.

Your Sincerely



The Ref and Whistle is a husband and wife team, relatively new to Skipton.

Since they've been here, they've built up a steady clientele with some of our locals. As it is one of many diverse drinking establishments in Skipton, it's created it's own niche customer base.

Up until the infraction in December, The Ref and Whistle had not incurred any police presence and had adhered to it's license restrictions.

Simon had requested to be a member of STAND but as this was around the same time as the first lockdown occurred, it was not carried through. He was adamant once business returned to normal that it was something he wanted to do. As lockdown occurred again, it has been put on hold until such a time we can make it happen.

It would be a shame, certainly in the current climate to lose another small business.

Cllr Simon Myers

3rd February 2021

Dear Councillor Myers

I have been a resident of Providence Quarter now for nearly two years. The appeal of this residence is that local facilities are close at hand and being an apartment, it is low maintenance. The potential downside is that lack of open space and noise issues with being in the middle of the town centre. Both downsides I accepted to some degree, when deciding to live in this location.

My apartment overlooks the Craven Court loading yard opening onto Court Lane. During my time here I have found that on occasions there has been excessive noise, especially late in an evening. I have on a few occasions gone out to see exactly where the disturbance has been coming from. I have found it either to be from customers of The Devonshire – Wetherspoons, (Friday 18th December being a prime example with the police being in attendance) or from the bar linked to the Boutique 25 near the corner of Newmarket Street/Court Lane.

Boutique 25 has a back gate that opens directly onto Court Lane next to the Ref and Whistle. On a few occasions I have seen, this gate has been a route for customers of the Boutique 25 to come through onto Court Lane as an overspill to the drinking areas within. The consequence has been late night noise and broken glass on the pavement and road.


I have been aware by Mr Simon Greaves (Proprietor of the Ref & Whistle, Court Lane) that there have been complaints of various nature against his business. I have on occasion (pre Covid) visited the Ref and Whistle and have found it to be a well-managed establishment. I would say that the average customer age is around 50 years of age and generally it is a safe, quiet, and sociable local gathering place. In my opinion, small local businesses like the Ref and Whistle are part of the fabric of a good vibrant market town. I have not experienced any noise, disorder or anti-social behaviour pertaining to the

Ref & Whistle. The Ref & Whistle very rarely seemed to be open after 9pm and consequently seems not to attract any of the minority problem drinkers who frequent some other pubs and bars in Skipton.

I understand that there may be some issues in the area with individuals/licenced premises, but I certainly feel that the Ref & Whistle is not where those problems lay.

If you would like to discuss any of the points in this letter, then please feel free to contact me on either my mobile 07900 218758 or at my business on 01282 505988

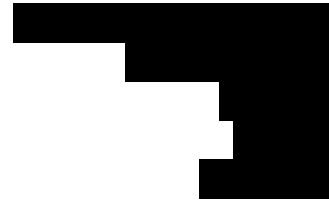
Yours Sincerely

  
Greenwood

CC: Mr Simon Greaves (Ref & Whistle)



*Martin O'Hara*



*Licensing Department  
Craven District Council  
1 Belle Vue Square  
Broughton Road  
Skipton North  
Yorkshire  
BD23 1FJ*

*8<sup>th</sup> February 2021*

*To Whom It May Concern*

*Ref & Whistle, 9/11 Court Lane, Skipton*

*I understand that Mr Greaves' Alcohol Licence is under review due to recent complaints from some of the residents of the adjacent apartments.*

*I am Mr Greaves Landlord and would like to take this opportunity to vouch for his character. In my dealings with Mr Greaves I have always found him to be honest, respectful and very reliable and in this regard if there are any issues which are adversely affecting some of the residents of the apartments I feel sure that Mr Greaves would be more than happy to address and resolve as best he can those issues in a spirit of collaboration and cooperation.*

*Mr Greaves has invested and great deal into the Ref & Whistle not just in monetary terms but also in his total commitment to making a success of this new business. Mr Greaves is a Publican with many years of experience in successfully running similar establishments and appreciates that if his business is to succeed he needs the trust and support of the community which he will do all he can to gain.*

*Accordingly I would respectfully ask those reviewing Mr Greaves' Licence to have regard to his good character and willingness to address any issues of concern.*

*Yours faithfully*

*Martin O'Hara*

12/2/21

To Whom this may concern,

My partner and I are both 44 and 45 yrs old and have worked in Skipton all my life so I know most of the pubs, After work either together or seperately we enjoy going for a drink most evenings and to enjoy a quiet relaxing time. We were told about the Ref and Whistle at the end of 2019 by friends of ours who had enjoyed going. It has mostly regulars that go in that are around the same age or older and enjoy having good conversation, there is music on in the background but nothing that would make you have to shout to be heard like some other pubs I could mention. The only time I have ever heard it get a little loud is when Leeds have been playing.

I think that to shut it down would be a great loss to alot of people

<u>Chronicle summary of the key events</u>	<u>Brief Summary</u>	<u>Date</u>
Planning Granted with conditions and applicant to adhere to a Noise Management Plan		19 <sup>th</sup> February 2019
Premise Licence Granted	By Licensing Subcommittee	24 <sup>th</sup> June 2019
Complaint Received	Drinking in the Street & issues with planning conditions	1 <sup>st</sup> July 2019
Complaint Received	Not following Noise Management Plan which states– “Applicant intends to play low level background music not to exceed 60 Decibels”	3 <sup>rd</sup> December 2019
Complaint Received	Pouring Commercial waste down the drain, mentioned earlier but photos supplied. Providence quarter used as smoking shelter. Drinking on the highway	6 <sup>th</sup> February 2020 & 10 <sup>th</sup> February
Complaint Received	Offensive poster in the window	13 February 2020
Planning Conditions Varied	See Appendix D To allow Live non amplified music not exceeding 60 decibels & change to a cooling system	14 <sup>th</sup> February 2020
Complaint Received	COVID19 social distancing concerns, noise nuisance, , drinking in the street <sup>1</sup> along with planning issues	17 <sup>th</sup> August 2020
Complaint Received	Customers Littering, Noise Nuisance, Blocking Highway & COVID19 concerns raised	22 <sup>nd</sup> September 2020
Visit	By Environmental Health & Licensing – Compliance check and educate	25 <sup>th</sup> September 2020
Complaint Received	COVID19 concerns, Public Nuisance such as drinking in the street, public urination, noise nuisance and not complying with noise management plan This email trail was blocked by The Councils email server and not seen until the end of November start of December 2020	29 <sup>th</sup> September - 13 <sup>th</sup> November 2020
Craven Moved in to Tier 2 High Alert Restrictions under The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020	Restrictions included: No household mixing, drinks served with substantial meal & table service	2 <sup>nd</sup> December 2020
Complaint Received	COVID19 concerns, noise nuisance	5 <sup>th</sup> & 6 <sup>th</sup> December 2020
Visit	By Environmental Health & Licensing	9 <sup>th</sup> December
Prohibition Notice Served	Environmental Health	11 <sup>th</sup> December

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<sup>1</sup> Business and Planning Act 2020 in effect. Under Licensing Act 2003 drinking in the street allowed. However still restricted by Planning Conditions