

LICENSING & APPEALS SUB-COMMITTEE

(Members are asked to arrive at 1.45pm)

Tuesday 26th July 2022 at 2.00pm

Meeting to be held at the Council Offices, Belle Vue Square, Broughton Road, Skipton BD23 1FJ.

AGENDA

Sub-Committee Membership: Councillors Ireton, Jaquin and Ogden.

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. **Exclusion of the Public** – In accordance with the Council's Access to Information Procedure Rules, the Panel is asked to exclude the public from the meeting during consideration of Item 5 below (marked \$) on the grounds that it is not in the public interest to disclose the Category 1 exempt information (Information relating to any individual).
5. **Application for Grant of Premises Licence, The Old Bank, Main Street, Crosshills, BD20 8TB** – The Sub-Committee is asked to consider an application for a variation to the Premises Licence under section 34 of the Licensing Act 2003 by Cobbydale Hospitality Ltd, T/A The Old Bank, Main Street Crosshills, BD20 8TB and make a determination under section 35 Licensing Act 2003 based on the licensing objectives (set out in paragraph 2 below) taking into account relevant representations.

Agenda Contact Officer:

David Smith, Democratic Services and Scrutiny Officer

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18th July 2022



GUIDANCE NOTES ON THE CONDUCT OF HEARINGS BEFORE THE LICENSING AND APPEALS SUB-COMMITTEE IN RELATION TO THE LICENSING ACT 2003

1. INTRODUCTION

Craven District Council as the Licensing Authority wishes to ensure all parties receive a fair hearing. The purpose of the Committee hearing is to enable those with a right to appear to put forward their views and assist the Committee to gather evidence and to understand the relevant issues.

2. Application

All hearings will be conducted in accordance with this procedure.

3. Absence of a Party

3.1 If any party fails to attend, the Committee may hold the hearing in that party's absence. If the Committee considers it necessary in the public interest to adjourn the hearing to a specified date it may do so, subject to paragraph 8. The Committee may invite representations from parties present on this issue before making their decision.

3.2 If a party has informed the licensing authority that they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.

4. Hearings to be held in Public

The hearing will normally be held in public. Exceptionally, the Committee may exclude the public (including a party to the hearing and any person assisting or representing a party) from all or part of the hearing where it considers that this is in the public interest.

5. The Hearing

5.1 The hearing will take the form of a structured discussion, led by the Members of the Committee. All parties will be given an opportunity to make a statement.

5.2 The Committee will allow parties an equal period of time in which to make representation, give supporting information or ask questions. The Chairman of the Committee may determine the maximum period of time available to the parties.

5.3 Any party may be represented by another person, whether legally qualified or not.

5.4 Where multiple representations have been received from individual members of the public, the Committee will encourage such groups to nominate a spokesperson or spokespersons to make oral submissions on behalf of the group. Although this means each person who has raised a representation may not be heard individually, those representations will be taken into account. After

hearing the submission of the spokesperson(s), the Chairman will normally give an opportunity for individuals to add points that the spokesperson has not already covered.

- 5.5 'Responsible authorities' and 'interested parties' are reminded that their submission may only relate to the original grounds of representation and new grounds cannot be introduced at the hearing.
- 5.6 The Committee may take into account documentary or other information produced by a party in support of their application, representation or notice either before the hearing or, with the consent of all other parties, at the hearing.
- 5.7 The Committee will disregard any information given by a party or any other person that is not relevant to the application, representation and the promotion of the licensing objectives.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

- 5.8 Hearsay evidence is admissible. However, the weight the Committee attaches to such evidence may be less than hearing first hand evidence.
- 5.9 All parties, their representatives and witnesses may be asked questions by Members of the Committee.
- 5.10 Cross-examination will not be permitted unless the Committee considers that it is necessary.
- 5.11 Each party will be treated equally.
- 5.12 Legal advice to the Committee will either be given in open session or, where given to Councillors when they have withdrawn to make their decision, will be repeated afterwards in open session to those in attendance.

6. Opening of a Hearing and Identifying Parties to the Hearing

- 6.1 The Committee will deal with the appointment of the Chairman of the meeting.
- 6.2 The Chairman of the Committee will introduce the members of the Committee and officers.
- 6.3 The Chairman will ask the parties to identify themselves and to say whether they are represented and whether they wish to call any witnesses.
- 6.4 The Chairman will outline the procedure that will be followed.
- 6.5 The Licensing Officer will outline the report.

7. Procedure

- 7.1 The Chairman will invite any responsible authorities and/or interested parties making representations to address the Committee in turn.
- 7.2 Members may ask questions of each party after they have addressed the

Committee.

- 7.3 At the discretion of the Committee, the applicant and other parties may then be permitted to ask questions of those addressing the Committee subject to paragraph 5.10.
- 7.4 The Chairman will then invite the applicant or their representative to address the Committee.
- 7.5 Members may ask questions of the applicant and any other person who has been given permission to address the Committee.
- 7.6 At the discretion of the Committee, the other parties may then be permitted to ask questions of the applicant, subject to paragraph 5.10.
- 7.7 At the discretion of the Chairman, he may invite the parties to sum-up.
- 7.8 After hearing from all parties, the Committee may advise all parties of representations from parties not present at the Committee.
- 7.9 In order to deliberate on the matter, the Committee will withdraw from the meeting room. The Committee may request the presence of their Legal Adviser to give them legal advice. The Committee Clerk will join the members to record their decision.
- 7.10 Once a decision has been reached, the Committee will return and give that decision, together with the reasons for that decision, orally.
- 7.11 The decision will be confirmed in writing following the meeting.
- 7.12 In certain circumstances as set out in the Act, the Committee may make a decision within five working days of the last day of the hearing.
- 7.13 The Committee Clerk will make a record of the hearing.

8. Adjournment of Hearing

The Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary but the Committee will not adjourn a hearing where an adjournment would result in a deemed approval or refusal of the application under the Act.

9. Persons behaving in a disruptive manner

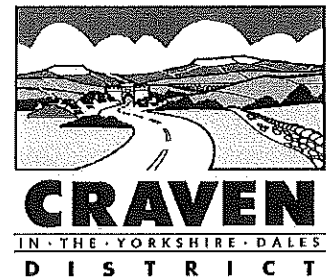
- 9.1 The Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner, to leave the hearing and may refuse to permit that person to return or permit them to return only on certain conditions.
- 9.2 If an individual is required to leave the hearing they may, before the end of the hearing, make a written submission of any information that they would have been entitled to give orally.

DEFINITIONS

For the purpose of this document:

- the phrase '**Committee**' will include both the Licensing Committee and Licensing and Appeals Sub-Committee of the Licensing Authority.
- the term '**Party**' means a person to whom the notice of hearing was given and parties shall be construed accordingly.
- the term '**Responsible Authority**' means any of the following:-
 - An officer representing North Yorkshire Police.
 - An officer representing North Yorkshire Fire and Rescue Service.
 - A planning, health and safety and/or environmental protection officer representing the Council.
 - An officer representing the Health and Safety Executive.
 - An officer representing the Child Protection and/or weights and measures functions of North Yorkshire County Council.
 - An officer of any other body detailed in the Licensing Act 2003, section 13(4) or 69(4).
- the term '**Interested Party**' means any of the following:
 - A person living in the vicinity of the premises
 - A body representing persons who live in the vicinity of the premises
 - A person involved in a business in that vicinity
 - A body representing persons involved in such businesses

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Licensing and Appeals Sub-Committee

26 July 2022

Licensing Act 2003

**Application for Grant of Premises Licence, The Old Bank, Main Street, Crosshills,
BD20 8TB**

Ward(s) affected: Glusburn

Report of Tim Chadwick, Licensing Manager

- 1. Purpose of Report**– To consider an application for a variation to the Premises Licence under section 34 of the Licensing Act 2003 by Cobbydale Hospitality Ltd, T/A The Old Bank, Main Street Crosshills, BD20 8TB and make a determination under section 35 Licensing Act 2003 based on the licensing objectives (set out in paragraph 2 below) taking into account 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. to grant the variation as applied for
- b. to modify the conditions of the licence;
- c. to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

3. Background

The Licensing Authority acknowledge the licensing and planning systems operate independently with the planning and licensing regimes involving consideration of different, albeit related, matters. Planning is the regime that is directed at development of land and the use of premises upon it. Licensing is the regime that is directed at licensable activities and responsible management of said premises upon that land. Licensing committees are not bound by decisions made by a planning committee, and vice versa. For example, a premises licence or club premises certificate cannot be refused on the grounds that they do not have planning permission.

Licensing authorities are also able to specify different opening hours on the licence from those specified under planning permission. This can seem somewhat incongruous, but the two schemes take different matters into account when determining hours, and the more restrictive set of hours always applies. It is also important to note that any decision of the licensing authority on an application for a premises licence does not relieve the premises user of any requirements under planning law for appropriate planning permission where it is required. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

As part of the planning permission that has been granted, conditions for hours of use are set at Monday-Saturday 1000-2300hrs & Sunday 1000-2200hrs. Under the Planning process, Environmental Health was a consultee on the planning application, and they secured 'relevant conditions' as part of the planning process. Details are provided for information at **Appendix A & Appendix B**. Any decision made by members should be done on the specific merits of this particular application, taking account of the Licensing Objectives and the relevant representations lodged.

On 1st June 2022 the Licensing Authority received an application for the **VARIATION** of a premises licence for The Old Bank, Main Street, Crosshills. The premise has had the privilege of a premise licence since 8th January 2021 this was granted by a Licensing Appeals Sub-Committee (See **Appendix C**). Due to an initial administrative error by the applicant, the 28 day statutory consultation period was run from 07.06.2022-04.07.2022 in compliance with the relevant legislation.

4. Application

The application, along with plan of the premise are attached at **Appendix D**. There is no change to the plans of the premise.

5. Consultation

The application has been served on all the responsible authorities;

- 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.

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Formal responses were received from Planning [**Appendix A**] from North Yorkshire Police [**Appendix E**], Environmental Health [**Appendix F**]. The applicant has agreed to Environmental Health's proposal to restrict the outside use from 2100hrs – 0800hrs to smoking only with no drinks allowed to be taken outside.

The application was advertised publicly in the Craven Herald along with a blue notice at the property. A notification of application was published on the Licensing Pages of the Council's website.

During the consultation period three public objections have been received. These are attached at **Appendix G-J** along with the correspondence to/from the objectors. All public objectors have been asked if there would be any grounds for agreement on the application by way of modification to the application and/or conditions that could be attached to the licence to reduce concerns.

Each objection brings up a number of concerns with the primary concern being **Public Nuisance**. Members will be aware 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.

Members will be aware that concerns regarding road junctions and parking would not normally be a matter for a Licensing Sub-Committee. A Licensee would not be responsible for anti-social behaviour away from the premise which was not under the direct control of the management for the premise.

6. Summary of Key Points

Authorised hours under current Premise Licence	Variation of current hours and or addition of
<p><u>Retail sale of Alcohol [On/Off]</u> Monday to Sunday 1100 – 2300 New Year's Eve 11.00 - 01.00 the following morning Christmas Eve 1100 – 0000 Christmas Day 1100 – 1400 Boxing Day 1100 – 0000 Hours Restricted due to current Planning Conditions Saturday 1000-2300hrs & Sunday 1000-2200hrs</p>	<p><u>Retail sale of Alcohol [On/Off]</u> Monday - Saturday 11:00-23:30 Sunday 11:00-22:30 & Christmas Eve and New Year's Eve 11:00-00:30hrs</p>
<p><u>Late Night Refreshment</u> New Year's Eve 1100 - 0100 the following morning Christmas Eve 2300 – 0000 Boxing Day 2300 – 0000 Hours restricted due to current Planning Conditions</p>	<p><u>Inclusion of Late-Night Refreshment</u> Monday-Saturday 23:00-23:30</p>
<p><u>Opening Hours of Premises</u> Monday to Sunday 1100 – 2300 New Year's Eve 11.00 - 01.00 the following morning Christmas Evening 1100 – 0000 Christmas Day 1100 – 1400 Boxing Day 1100 – 0000 Hours Restricted due to current Planning</p>	<p><u>Hours premise are open to the public</u> Monday - Saturday 11:00-00:00 Sunday 11:00-23:00 Christmas Eve and New Year's Eve 11:00-01:00hrs</p>

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<p>Conditions Saturday 1000-2300hrs & Sunday 1000-2200hrs</p>	
<p><i>Live Music</i> Currently not authorised under the Premises Licence. However, Members will be aware that under the Live Music Act 2012. The premise can have Live Music;</p> <p>The Act creates an exemption for live music to be classed as regulated entertainment under the Licensing Act 2003 if the below criteria are satisfied.</p> <p>The Act disapplies any live music related conditions on a licence if:</p> <ul style="list-style-type: none"> • There is a premises licence or club premises certificate in place permitting 'on sales'; • The premises are open for the sale or supply of alcohol for consumption on the premises; • Live or recorded music is taking place between 8am and 11pm; • If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people. <p>Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.</p>	<p><i>Live Music</i> Live Music Monday-Saturday 11:00-23:00 Sunday 11:00-22:00</p>
<p><u>Members should note that recorded music is not classes as regulated entertainment between 8am and 11pm if a Premises is licenced for on-sales of alcohol and the audience consists of no more that 500 people.</u></p>	<p><i>Recorded Music</i> Inclusion of Recorded Music Monday - Saturday 11:00-23:30 Sunday 11:00-22:30</p>
<p>The external courtyard will not be used between the hours of 20:00 and 08:00 apart from for entrance and egress.</p>	<p>The external courtyard will not be used between the hours of 22:30 and 08:00 apart from for entrance and egress.</p>
<p>Last orders for food will be at 21:00 each day.</p>	<p>Amend this condition for the terminal hour for last food orders been 22:00</p>

6.1 Members will be aware that The Live Music Act took effect from 1 October 2012, and since 6th April 2015 now applies to recorded music, and covers larger audiences. By virtue of the Live Music Act 2012 as a licensed premise for ON sales of alcohol the premise has been authorised to have Live Music since the initial licence was granted, between 0800-2300hrs if the music is amplified then the audience cannot exceed 500 people. The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment under the Licensing Act 2003 if it takes place between 8am and 11pm. This is regardless of the number of people in the audience. Only

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Recorded Music & Live Music would be regarded as regulated entertainment for the purposes of the Licensing Act 2003 if the number exceeded 500 people or took place outside of 0800-2300hrs.

7. Steps to Promote the Licensing Objectives

The Licence has reviewed the current conditions on the licence and carried out their own risk assessment and concluded that no additional conditions are required beyond those already imposed on the licence, to promote the four licencing objectives. If a licence was GRANTED then the conditions embedded on the current licence would be carried on to the new licence. See **Appendix J**.

When considering if any additional conditions should be imposed. Members will be aware that duplication of conditions between Planning and Licensing should be avoided so when considering this matter should also consider whether there is duplication with the planning determination (**See Appendix B**)

Members must consider that if any conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premise concerned. Ensuring they are precise and enforceable.

Conditions should not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

8. 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 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate

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measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.21 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.

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

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

9.42 *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.*

9.43 *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*

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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. Copies of the Guidance will be available to Members at the meeting.

9. Reasons for Recommendation

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

Before deciding, 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 applicant;
- The relevant licensing objectives, namely Prevention of Crime and Disorder and Prevention of Public Nuisance
- The Licensing Act 2003, Regulations, s182 Guidance and the Council's Statement of Licensing Policy (February 2022).
- Right of all parties to a fair hearing
- The Human Rights Act 1998.

10. Implications

10.1 Financial Implications - None

10.2 Legal Implications: If Members decide to refuse the application or attach conditions to the premises licence, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

10.3 Policy Implications - Craven District Council's Licensing Policy

2.1 The Craven district has a residential population (approximately 55,000) whose rights the Authority has a duty to protect. Commercial operators have a legitimate expectation to contribute to and provide a vibrant and sustainable night time economy. Residents have an equal right to protection against any adverse effect arising from these activities.

2.6 It is the role of the Authority to influence the balance of the interests of the public and sustainable growth. The Authority must consider the impact of nuisance, crime, anti-social behaviour, littering, the ability of the Police, the streets and public transport infrastructure to cope with the effects of licensable activities

4.2 The Authority will primarily focus on the impact of the activities taking place at the licensed premises and their effect on people living, working or visiting the area concerned.

4.3 Equally the Council also acknowledges the rights of businesses to operate their premises without unnecessary restraint, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Planning (Development Control) and Building Control

- 4.7 The use of premises for the sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must be lawful under planning legislation. Planning permission is usually required for the establishment of a new premises or change of use of premises.
- 4.8 All premises to which an application is subject must normally have planning permission and comply with all conditions of that planning permission, or be deemed permitted development.
- 4.9 The Council recognises that the existence of planning permission, building regulation approval or outside table licences must be properly separated from licensing applications to avoid duplication and inefficiency. Similarly, the existence of a Premises Licence or Club Premises Certificate shall not prejudice the consideration of any planning, building regulation approval or outside table applications. However, the Authority expects applicants to have obtained the appropriate consents or licences prior to operation.
- 4.10 Where premises have not obtained such consents or licences, they will be liable for enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission; a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their Planning Permission may be liable to enforcement action by the Planning Authority. Licensing applications therefore will not be a re-run of the planning application process and licensing decisions will not cut across decisions taken by the Planning Committee or permissions granted on appeal.

Anti-Social Behaviour

- 4.11 The Council wish to provide an environment that all people living, working and visiting Craven feel safe in and can equally enjoy, License holders are expected to assist the appropriate authorities in ensuring anti- social behaviour and disturbances are kept to a minimum.
- 4.12 Alcohol misuse is a strong contributory factor in a wide range of offences, including public order offences. Often anti-social in nature, these can involve: -
- drug or substance misuse and dealing;
 - street drinking;
 - drunken behaviour;
 - criminal damage and vandalism;
 - disorderly groups of people;
 - hooliganism, loutish, rowdy (fighting, shouting, swearing), threatening and abusive behaviour;

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- urinating/ vomiting in public;
- dropping of litter.

4.13 Procedures to prevent anti-social issues are expected to be included within the Operating Schedule (Appendix 1) and examples include: -

- use of SIA staff and the wearing of high visibility clothing - provides re- assurance to both premises users and general public;
- policy on refusal of individuals or disorderly groups to a premise;
- prevention of serving customers who are drunk, or of proxy sales by people attempting to purchase on their behalf;
- use of non- glass drinking vessels and bottles for premises who are open beyond mid night, premises who have outside drinking areas, or during special, higher risk occasions e.g. screening of high profile football matches.

4.14 The Act is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from a licensed premise.

Nuisance and Environment

4.15 The Authority will consider the following steps the applicant has taken or proposes to take with regard to a licence application:

- to prevent noise and vibration nuisance arising from regulated entertainment e.g. installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices, closure of doors and windows etc.;
- to prevent disturbance by patrons or staff entering or leaving the premises e.g. displaying prominent notices asking customers to leave quietly and not to slam vehicle doors, use of the internal PA system to make announcements to the same effect or instructing door supervisors to ask customers to leave the area quietly;
- to prevent disturbance e.g. reduce volume of music or playing of quieter, more soothing music as part of the wind down period towards the end of trading session;
- to prevent queuing or to minimise noise or disorder caused by queuing e.g. supervision of queues by door supervisors to keep noise to a minimum, no drinking should be allowed whilst queuing;
- to prevent any impact of refuse or littering on the surrounding area e.g. use of flyers- only giving flyers to persons who are interested in the material, flyers should not be placed indiscriminately on vehicles, and provision for refuse by late night refreshment take away premises.

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- 4.16 The Authority would expect to see such issues addressed within the Operating Schedule.
- 4.17 The Authority will consider routes used by customers when leaving specific premises and the likely impact on residents. People under the influence of alcohol are statistically more likely to be involved in criminal behaviour, including violence and damage to property.
- 4.18 The Act is not the primary mechanism for the general control of noise by individuals once they are away from a licensed premise.

7.0 LICENSING HOURS

- 7.1 The Authority will consider each application on its own merit and shall not seek to impose predetermined licensed hours. Where there are no objections to the hours applied for, the Authority will have no discretion but to grant the hours requested.
- 7.2 The Authority recognises that in some circumstances flexible licensing hours for the sale of alcohol may help to ensure that concentrations of customers leaving premises are avoided.
- 7.3 Any activity involving public entertainment, eating or drinking on a premise has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. The impact of noise generated by these activities, especially customers departing late at night, are intrusive when ambient noise levels are much lower.
- 7.4 Craven District is very sensitive to the impact of licensed activities due to the proximity of licensed premises and areas of residential properties. The rural back drop of large areas of the District also creates an increased sensitivity to the impact of licensed premises.
- 7.5 It is important that transport facilities are available to move customers away without delay to minimise disorder and disturbance. Transport is a relevant consideration in licensed hours. The difference between rural and urban premises is recognised by the Authority and appropriate consideration will be given in all cases.
- 7.6 The Authority will strike a fair balance between the needs of a licence holder and the risk of disturbance to local residents and businesses. The Authority may restrict the hours of operation, as a result of either receiving representations on application, or as a result of a review.
- 7.7 The Authority will give consideration to the risk of disturbances to local residents and possibly to businesses when licensable activities continue late at night and into the early hours of the morning or are involving a significant number of attendees i.e. large scale concerts, performances etc.

- 11. Consultations with Others** – With Responsible Authorities and Interested Parties including Local Councillors
- 12. Access to Information:** Licensing Act 2003, Guidance issued under section 182 of the Licensing Act 2003 and Craven District Council Licensing Policy 22nd February 2022.
- 13. Author of the Report**– Tim Chadwick, Licensing Manager, telephone 01756 700600, email: tchadwick@cravendc.gov.uk

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Appendix B – Planning determination

Appendix C – Licensing Authority Determination Notice 2021

Appendix D – Application & Plans

Appendix E - North Yorkshire Police Consultation Response

Appendix F – Environmental Health
Consultation Response

Appendix G – Perkins Objection

Appendix H – Hollingworth Objection & additional information

Appendix I - Rogers Objection

Appendix J - Licence Conditions

From: Planning Enforcement
Sent: 07 June 2022 12:58
To: Licensing
Subject: FW: Application for the Full Variation of a Premise Licence PL0868 The Old Bank Crosshills
Attachments: 2020-21835-FUL DN.pdf

Dear Licensing

Having looked at the planning history for this premises there are 2 conditions (14 and 17) on the attached planning decision that restrict the opening times as well as the music at the premises. The owner will need to apply for planning permission in an attempt to vary or remove these and provide justification for doing so.

I believe that the owner has been in contact with a planning officer, and therefore may have been advised already on the above. I also note from the documents you provided us that the owner now owns the first floor apartment, should it be their intention to change the use of this to form part of the restaurant then planning permission would be required.

I would appreciate if you could pass this information onto the owner.

Kind Regards

Owen Holmes, MA (Town Planning) | Investigative & Compliance Officer, Planning Enforcement
planningenforcement@cravenc.gov.uk
t: 01756 706447
m: 07496 480913

From: Licensing <Licensing@cravenc.gov.uk>
Sent: 01 June 2022 15:34
Subject: Application for the Full Variation of a Premise Licence PL0868 The Old Bank Crosshills

Please find attached an application to vary a premise licence.

Attached is the current premise licence for reference.

The variation is the extension of opening hours to 0000hrs and of retail sale of alcohol to 2330 with the addition of Christmas eve and new years eve 0030hrs [please note this part is not included on the PDF but has been confirmed to be the case with the applicant]

The inclusion of Live Music, Late night refreshment (2300-2330 Monday-sat)

The inclusion of recorded and live music.

Amend the condition restricting outside use from a terminal hour of 2000hrs to 2230hours


And amend the condition relating to the last food order to 2100-2200hrs

No additional steps [section M] are deemed required by the applicant.

The last day for objections is 29th June 2022

Many thanks,
CDC Licensing

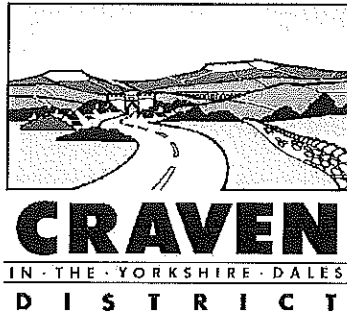
Licensing
Licensing Team
t: 46251

 Please consider the environment before printing this e-mail.

Planning Enforcement

t:

 Please consider the environment before printing this e-mail.



APPENDIX B
Development Management
 Craven District Council
 1 Belle Vue Square
 Broughton Road
 SKIPTON
 North Yorkshire
 BD23 1FJ

(Main Switchboard) Telephone: 01756 700600
 Email: planning@cravencd.gov.uk

Cobbydale Hospitality Ltd
 The Old Bank
 Main Street
 Cross Hills
 Keighley
 BD20 8TB

PLANNING DECISION NOTICE
 Town and Country Planning Act 1990

Application No:	2020/21835/FUL
Date Received:	3rd August 2020
Applicant:	Cobbydale Hospitality Ltd
Proposal:	External and internal alterations. ,
Location:	The Old Bank, Main Street, Cross Hills, Keighley, BD20 8TB,
Decision/Date	26th November 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: -

Time Limit for Commencement

- 1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason: to ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

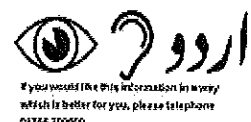
- 2 The permission related to the following plans:

Drawing Site Location Plan
 Drawing no. 740/03 Location Plan
 Drawing no. 740/05 Proposed Floor Plans
 Drawing no. 740/07 Proposed Elevations

Kitchen extract layout, Cellar Cooling Details/Drawings, Internal Extraction, Weather Louvres Details Spec, Down Light Data Sheet, Attenuator Schedule, Heritage Statement, CCTV and Design and Access Statement.



Paul Shevlin, Chief Executive
 Calls may be recorded for training and monitoring purposes
 For general enquiries telephone 01756 700600
www.cravencd.gov.uk



APPENDIX B

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

During Building Works

- 3 Prior to the installation of the bin store full details of the proposed works including 1: 20 scale sample elevations shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall be safe and secure to ensure that no detriment to amenity from smell, flies or vermin arises.

The works shall be implemented in strict accordance with the agreed details and maintained and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 4 Prior to the installation of stone flags hereby approved sample of the stone flags shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 5 The external lights hereby approved shall be fixed at an angle to ensure that any light spillage onto the highway or nearby residential properties is minimised.

Reason: To prevent excessive light spillage onto the highway and residential properties in accordance with the requirements of Craven Local Plan policies ENV3 and the National Planning Policy Framework.

- 6 Prior to the installation of a replacement front door full details of the proposed door shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted to, to ensure the satisfactory preservation of this listed building and to comply with Policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 7 The hereby approved Kitchen Louvre shown on the approved plans shall be painted black prior to the first use of the premises hereby permitted and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 8 All existing windows shall be retained and repaired using matching materials, colour, style of the existing windows and retained thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 9 The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those of existing building.

APPENDIX B

Reason: To ensure the satisfactory preservation of this listed building and to comply with Policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 10 Prior to installation of the Fire door and joinery shown on the approved plans full details of the joinery and door design shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and retained thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

Before the Development is Occupied

- 11 Prior to first use, a detailed scheme for the sound insulation between the proposed restaurant and adjoining residential units shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that there is sufficient acoustic insulation to ensure internally generated noise from the proposed development will not impact those in the adjoining premises.

The sound insulation scheme shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise and to comply with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 12 Prior to first use, a noise assessment shall be carried out to BS 4142 by a suitably qualified person to identify if noise from the extraction system and any other external plant will have an impact on the nearest noise sensitive receptors. A narrow band frequency analysis shall also be carried out and the graph showing the results must be attached to the report to prove there is no tone.

The assessment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete and full accordance with the agreed specifications, recommendations and noise attenuation. The agreed measures shall be thereafter, retained and maintained for the duration of the approved use.

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

- 13 Prior to first use, a detailed ventilation scheme and Risk Assessment (which will have regard to the requirements set out in the EMAQ Guidance Control of Odour and Noise from Commercial Kitchen Exhaust Systems or any subsequent document) for the control of external odour control shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first use and shall thereafter be retained as such.

Reason: To safeguard the living conditions of neighbouring residents particularly with regard to the effects of odour and to comply with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Ongoing Conditions

- 14 The premises shall only be open for trade or business between 10:00 hours and 23:00 hours Monday to Saturday, and 10:00 hours and 22:00 hours Sundays and Bank Holiday.

Reason: To limit the potential for noise generation and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with Policy ENV3 of the Craven Local Plan and paragraph 180 of the National Planning Policy Framework.

APPENDIX B

15 The kitchen louvre and cooling system installed in accordance with condition 2 of this permission shall be dismantled and all associated appurtenances removed from the site if the systems ceases to be used for a period exceeding 18 months, unless a longer time period for its retention has first been agreed in writing with the Local Planning Authority.

Reason: In order to ensure that any redundant systems are removed from the building to prevent the proliferation of unsightly apparatus in the area in the interests of visual amenity and to preserve the character, appearance and setting of the Grade II Listed Building in accordance with the requirements of Craven Local Plan policies ENV2 & ENV3, and the National Planning Policy Framework.

16 During regulated entertainment, all windows and doors in the premise must be closed, save for entrance and egress.

Reason: To ensure the amenity of neighbouring properties and to accord with the requirements of policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

17 No amplified music or other sound amplification equipment shall be produced or played within or outside of the premises.

Reason: To protect the amenities of adjacent residents and to comply 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. 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. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, 1 Belle Vue Square Broughton Road, Skipton, North Yorkshire, BD23 1FJ (telephone: 01756 700 600, email: licensing@cravencd.gov.uk).

RN Watson

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
Website: 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.

DECISION NOTICE

APPLICATION FOR PREMISES LICENCE – OLD BANK, MAIN STREET, CROSSHILLS BD20 8TB.

Date of the Hearing

8 January 2021 (Virtual hearing conducted on Zoom).

Licensing and Appeals Sub Committee Members

Councillors Moorby (Chair), Solloway, Whitaker.

Reason for Hearing

To consider and determine an application for a Premises Licence under sections 17 and 18 of the Licensing Act 2003 for the Old Bank, Main Street Crosshills BD20 8TB ('the Premises').

Preliminary Matters

The Sub Committee duly considered the application made by Stephen Andrews (Director) Cobbydale Hospitality Ltd (Company Number 11982804) ('the Applicant') dated 10 November 2020 ('the Application') under cover of a report dated 8th January 2021 (together with all enclosures) ('the Licensing Report'), the Council's Statement of Licensing Policy adopted on 2nd August 2016 and relevant guidance issued under section 182 of the Licensing Act 2003, together with the written representations of parties submitted prior to the hearing and the oral representations made during the hearing, which was held online, in compliance with government guidance and regulations due to the COVID 19 pandemic.

Evidence

The Licensing Report outlined the context to the Application and incorporated a copy of the application documentation (including the operating schedule) (Appendix B), conditions requested by North Yorkshire Police to promote the prevention of crime licensing objective (Appendix C), written representations from Mr & Mrs Perkins who are resident above the Premises (Appendix D) (together with subsequent email correspondence), written representations from Ms Hollingworth who is resident in the locality (Appendix E) (together with subsequent email correspondence) and initial written representations provided by Mr & Mrs Rogers (Appendix F) – who elected not to pursue their objections further. The Report included a Schedule of conditions that were agreed between all parties prior to the hearing (Appendix G). The Report documented that the Premises had the benefit of planning permission which was granted by Craven DC ('the Council') under reference number 2019/20758/FUL on 19th February 2020 for change of use to bar/restaurant ('the Planning Permission') and noted that the Applicant had requested that any new licence would come into effect on 3rd February 2021.

The Sub Committee, in light of the Report and in the context of representations made to them, had to consider whether or not to grant the Licence in light of the statutory licensing objectives under the Licensing Act 2003, and whether on that basis, there were any grounds for making alterations to the operating schedule submitted by the Applicant.

The Sub Committee heard from:-

- i. Tim Chadwick, Licensing Manager for the Council
- ii. Andrew Dent, Environmental Health Officer for the Council
- iii. Mr & Mrs Perkins, resident above the Premises
- iv. Ms Hollingworth, resident in the locality
- v. The Applicant

The Licensing Manager presented the Licensing Report and confirmed that the application had been published and the appropriate consultations with interested parties and responsible authorities had been carried out in the usual way. There had been extensive discussions between the parties with a view to agreeing licensing conditions that it would be appropriate to place on the Premises Licence in the circumstances, with a view to promoting the statutory licensing objectives under the Licensing Act 2003. The Licensing Manager indicated that the key issues for this hearing, centre upon the prevention of public nuisance licensing objective and the degree to which the amenity of local residents could properly be protected. The situation arises due to the Planning Permission which facilitated the change of use of the Premises from what used to be local branch of Barclays Bank into a modern Bar/Restaurant. The planning permission had slightly different hours to the operating schedule in the Application, notably the planning permission required closure on Sunday at 10pm rather than 11pm requested in the operating schedule. The Licensing Manager reminded the sub committee that planning and licensing regimes were different and the Applicant had a responsibility to ensure that they comply with both.

The Environmental Health Officer reported to the Sub Committee that the main issues were noise and odour control. It was appreciated that this was a difficult situation which required balance between the interests of all parties, but the Environmental Health Officer was generally satisfied that the conditions agreed between the parties (and set out in Appendix G to the Report) should provide the appropriate mitigations to minimise public nuisance for local residents and that the best solution on the market was being proposed in respect of odour control. Reassurance was provided that the Applicants had been co-operative in this regard and the Licensing Manager confirmed that parties had engaged in good faith in arriving at the suggested conditions.

The Chairman granted all parties up to 10 minutes to make their comments and allowed a further 5 minutes each to sum up at the end.

Mr & Mrs Perkins outlined their experience of living above the premises and the concerns they had in respect of the Application. In particular, they outlined their family situation and the concerns that existed in respect of their children having bedrooms directly above the kitchen for the Premises.

Ms Hollingworth outlined her concerns with the Application, which was in line with the previous written representations submitted.

The Applicant maintained that he had worked in good faith to agree conditions that would minimise the public nuisance impact on local residents. He said that he understood the concerns and that his business model was to operate an upmarket restaurant rather than an establishment which had the supply of alcohol as a focal point. He provided an undertaking to the sub committee to operate the

business in a way that was considerate and would take into account the interests of local residents, appreciating in particular, the point that Mr & Mrs Perkins lived above the Premises with young children. The Applicant indicated that he would be agreeable to a condition that last orders ceased 30 minutes before closing time, and he confirmed that food sales stopped at 9pm.

Decision

The Sub-Committee resolved on a unanimous basis to GRANT the Premises Licence under section 18(3) Licensing Act 2003 on the basis of the Operating Schedule submitted and statutory condition under section 19 Licensing Act 2003 EXCEPT in so far as closing hours would be 10.30pm for each day¹, a condition would be placed on the licence to ensure that food orders ceased at 9pm and last orders for alcohol would take place 30 minutes before closing time. The licence would also incorporate all conditions set out in Appendix G of the report which had been agreed by all parties prior to the hearing.

Reasons for the Decision

The Sub Committee considered carefully the Application and all the representations made to it. Particular weight was given to the representations of Mr & Mrs Perkins and the fact that they lived above the Premises with children (who are either working or studying for exams). The Sub Committee also recognised the very valid issues by Ms Hollingworth. The Sub Committee was pleased to note the co-operation offered by the Applicant throughout and was grateful for his specific undertaking to the sub committee, to manage the business in a considerate way. Members noted and placed substantial weight on the fact that the business model proposed by the Applicant was to run a restaurant with a focus on a quality restaurant experience, as an improvement to existing dining facilities in the village, rather than a pub with the focus on the supply of alcohol. On this basis, it was considered (particularly taking account of the representations received from local residents) that it was reasonable to close the premises daily at 10.30pm instead of 11pm (as requested in the operating schedule) in the interests of preventing public nuisance and protecting in so far as possible the amenity of those most impacted by the new modern bar/restaurant. For the same reasons, members decided to impose the conditions requiring last orders for alcohol 30 minutes before closure and last food orders at 9pm (with which the Applicant had indicated during the hearing he would be content).

Any appeal against this decision must be lodged with the Magistrates Court within 21 days of being notified of this decision.

Council Solicitor
Craven DC
8 January 2021²

¹ The Applicant is required to comply with the terms of the Planning Permission. At present this imposes an earlier closing time on Sunday (10pm) and it is the responsibility of the Applicant to ensure compliance with both planning and licensing laws.

² Decision issued 14 January 2021

Application to vary a premises licence 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 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/We COBBYDALE HOSPITALITY LTD (insert name(s) of applicant)
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number PL0868

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description
THE OLD BANK
MAIN STREET
CROSSHILLS

Post town	Post code <u>BD20 8TB</u>
-----------	---------------------------

Telephone number of premises (if any) 01535 - 636577

Non domestic rateable value of premises £ 9,900

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional) stephen@oldbankxhills.co.uk

Current postal address if different from premises address
THE OLD BANK, MAIN STREET,
CROSSHILLS, BD20 8TB

Post Town CROSSHILLS Postcode BD20 8TB

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes No

If not, from what date do you want the variation to take effect?

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 2)

WE WISH TO CHANGE THE HOURS FOR RETAIL OF ALCOHOL FROM 11:00 AM TO ~~13:30 PM~~

WE WISH TO CHANGE THE HOURS OF OUR OPENING FROM 11:00 AM TO 00:00 AM.

WE WISH TO ADD THE ADDITIONAL LICENSABLE ACTIVITY OF LIVE MUSIC, WITH THE PROPOSED HOURS OF 11:00 AM - ~~13:00 PM~~.

WE WISH TO CHANGE THE HOURS OF USE FOR USING THE COURT/YARD TO 22:30 PM.

I NOW OWN THE WHOLE FIRST FLOOR APARTMENT ABOVE THE RESTAURANT & BAR, SO THEREFORE FEEL ABLE TO APPLY FOR THESE VARIATIONS NOW, AS THERE WILL BE NO DIRECT NEIGHBOURS IN THE BUILDING WHO COULD SUFFER NUISANCE.

I WOULD ALSO LIKE TO ADD THAT I HAVE GOOD RELATIONS WITH MY DIRECT NEIGHBOURS WHO ADJOIN MY PROPERTY.

NAMELY, GRAHAM BIRD (FLAT 1), MARK GOODALL (FLAT 2), AND KEN LAIN (THE MASON'S LODGE).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Please tick all that apply

Provision of regulated entertainment

- a) play (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11:00	23:00	Please give further details here (please read guidance note 5) OCCASIONAL ACOUSTIC PERFORMANCES FOR THEMED EVENINGS AND PRIVATE EVENTS, VOCALISTS, PIANOIST, STRING PERFORMERS	Both	
Tue	11:00	23:00			
Wed	11:00	23:00		State any seasonal variations for the performance of live music (please read guidance note 6)	
Thur	11:00	23:00			
Fri	11:00	23:00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 7)	
Sat	11:00	23:00			
Sun	11:00	22:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11:00	23:30	Please give further details here (please read guidance note 5)	Both	
Tue	11:00	23:30			
Wed	11:00	23:30		State any seasonal variations for the playing of recorded music (please read guidance note 6)	
Thur	11:00	23:30			
Fri	11:00	23:30		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 7)	
Sat	11:00	23:30			
Sun	11:00	22:30			

G

Performance of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 5)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)		
Day	Start	Finish		Indoors	Outdoors	
			MAGICIAN		<input checked="" type="checkbox"/>	
Mon	11:00	23:00	Please give further details here (please read guidance note 5)	Both		
Tue	11:00	23:00				
Wed	11:00	23:00		State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Thur	11:00	23:00				
Fri	11:00	23:00		Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Sat	11:00	23:00				
Sun	11:00	22:30				

APPENDIX D

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon	11:00 23:00	23:30	Please give further details here (please read guidance note 5)		
Tue	11:00 23:00	23:30			
Wed	11:00 23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	11:00 23:00	23:30			
Fri	11:00 23:00	23:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Sat	11:00 23:00	23:30			
Sun	11:00 23:00	22:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11:00	23:30	State any seasonal variations for providing dancing facilities (please read guidance note 6)		
Tue	11:00	23:30		Christmas eve & New years Eve 11:00 - 00:30	
Wed	11:00	23:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Thur	11:00	23:30			
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	22:30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)	
Day	Start	Finish		
Mon	11:00	00:00	CHRISTMAS EVE - 11:00 - 01:00 NEW YEAR'S EVE - 11:00 - 01:00	
Tue	11:00	00:00		
Wed	11:00	00:00		
Thur	11:00	00:00		Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 7)
Fri	11:00	00:00		
Sat	11:00	00:00		
Sun	11:00	23:00		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

WE WOULD LIKE TO EXTEND THE
 USE OF OUR EXTERNAL COURTYARD
 AREA FROM 20:00 TO 22:30.

WE WOULD LIKE TO EXTEND OUR
 FOOD OFFERING FROM LAST ORDERS
 TAKEN AT 21:00 TO 22:00.

Please tick ✓ yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

VI

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) **General – all four licensing objectives (b, c, d, e) (please read guidance note 11)**

b) **The prevention of crime and disorder**

c) **Public safety**

d) **The prevention of public nuisance**

e) **The protection of children from harm**

APPENDIX D

- | | | |
|--|---------------|--------------------------|
| | Please tick ✓ | Yes |
| • I have made or enclosed payment of the fee, or | | <input type="checkbox"/> |
| • I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy | | <input type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | | <input type="checkbox"/> |
| • I understand that I must now advertise my application | | <input type="checkbox"/> |
| • I have enclosed the premises licence or relevant part of it or explanation | | <input type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | | <input type="checkbox"/> |

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.

Part 5 – Signatures (please read guidance note 12)

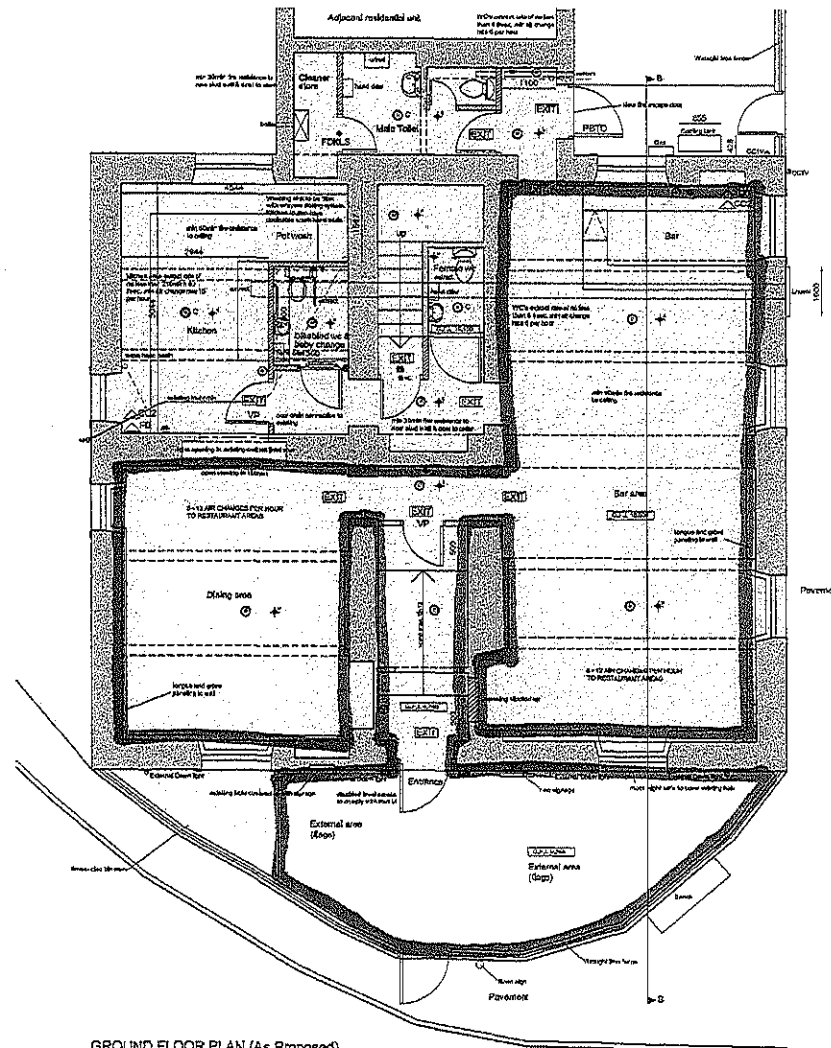
Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 13). If signing on behalf of the applicant please state in what capacity

Signature
 Date 30/05/22
 Capacity DIRECTOR

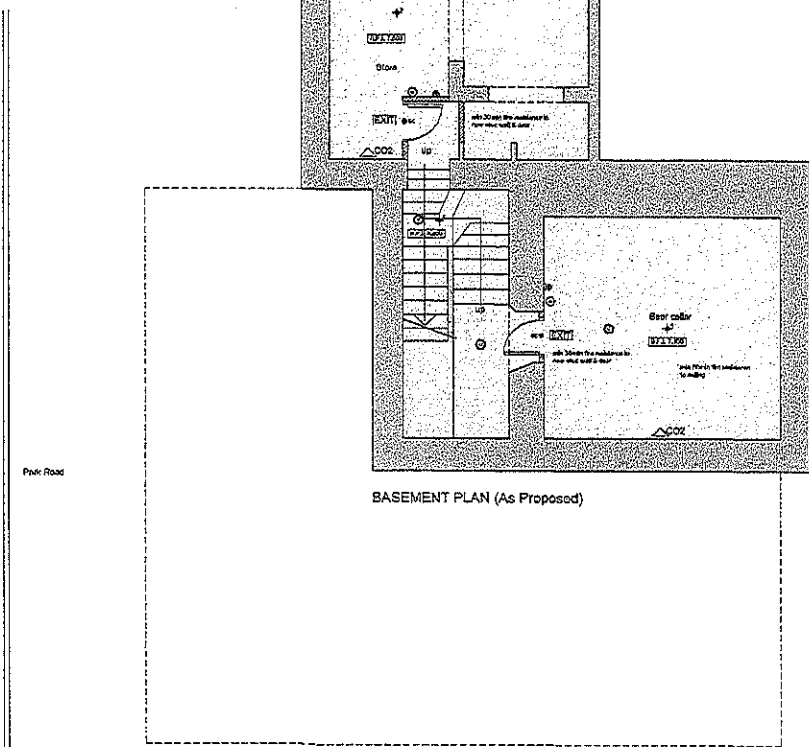
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). If signing on behalf of the applicant please state in what capacity.

Signature
 Date
 Capacity

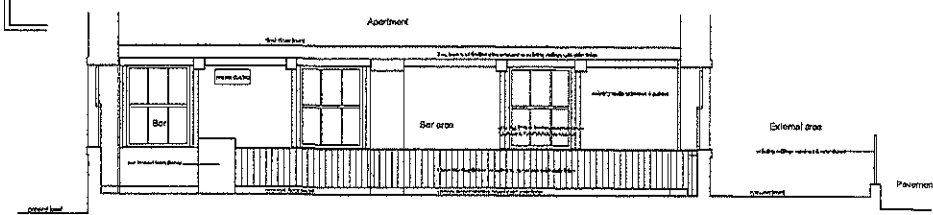
Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)	
STEPHEN ANDREWS THE OLD BANK MAIN STREET	
Post town	Post code
CROSSHILLS	RDZO 8TB
Telephone number (if any)	
	01535-636877
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
stephen@oldbankxhills.co.uk	



GROUND FLOOR PLAN (As Proposed)



BASEMENT PLAN (As Proposed)



SECTION B (As Proposed)

NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL BUILDING CODE OF AUSTRALIA.
2. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL ELECTRICAL REGULATIONS AND THE NATIONAL ELECTRICAL CODE OF AUSTRALIA.
3. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL PLUMBING REGULATIONS AND THE NATIONAL PLUMBING CODE OF AUSTRALIA.
4. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL GAS REGULATIONS AND THE NATIONAL GAS CODE OF AUSTRALIA.
5. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL FIRE REGULATIONS AND THE NATIONAL FIRE CODE OF AUSTRALIA.
6. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL ENVIRONMENTAL REGULATIONS AND THE NATIONAL ENVIRONMENTAL CODE OF AUSTRALIA.
7. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL HEALTH REGULATIONS AND THE NATIONAL HEALTH CODE OF AUSTRALIA.
8. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL SAFETY REGULATIONS AND THE NATIONAL SAFETY CODE OF AUSTRALIA.
9. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL ACCESSIBILITY REGULATIONS AND THE NATIONAL ACCESSIBILITY CODE OF AUSTRALIA.
10. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL CONSTRUCTION REGULATIONS AND THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA.



LARK architects

10/11 The Esplanade, Sydney NSW 1530
 Phone: (02) 9550 1111
 Fax: (02) 9550 1112
 Email: info@larkarchitects.com.au
 Website: www.larkarchitects.com.au

PROJECT: 10/11 THE ESPLANADE
 ARCHITECT: LARK ARCHITECTS
 DATE: 2011

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File Message Help IDOX Tell me what you want to do

Ignore Delete Archive Reply Reply All Forward Meeting IM More Share to Teams

punch Team Email Reply & Delete To Manager Done Create New

Move Actions

Assign Mark Categorize Follow Policy Unread Tags Up

Find Related Select Editing

Read Aloud Translate Zoom

Full Variation of a Premise Licence PL0868 The Old Bank Crosshills -

 Furlong, David <David.Furlong@northyorkshire.police.uk>
 To: Licensing
 Cc: stephen@oldbankcrosshills.co.uk

Reply Reply All Forward ...

Tue 07/06/2022 11:11

Dear Craven Licensing,

I have spoken with Mr Stephen Andrews today regarding his application. As a result of our discussion I am satisfied that the live music element will only be used occasionally. The premises are predominately food led with the variation to extend hours for diners to increase revenue. North Yorkshire Police do not have any objections to this full variation application.

Mr Andrews - This email is for your information only.

Kind regards,

Dave Furlong PC 1720
 North Yorkshire Police
 Licensing Unit
 Tel 07741173797

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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.

From: Andrew Dent <ADent@cravenc.gov.uk>
To: Tim Chadwick <TChadwick@cravenc.gov.uk>
Subject: Licensing Variation Application - The Old bank, Crosshills

Licensing Variation Application – The Old Bank, Crosshills.

I am in receipt of the variation application for The Old Bank, Crosshills and acknowledge the content.

Mr Andrews spoke with me several months ago about the proposition of extending the last orders for food by 1 hour; I have no objection to this.

I acknowledge the representations made about odour from the extraction system, environmental health currently has a live statutory nuisance investigation ongoing into this matter.

From observing the external courtyard during odour monitoring and from other evening visits to the area, the courtyard appears to be being used in a manner that doesn't generate excessive noise, customers were observed quietly talking and eating food; the traffic noise from the A6068 is prominent in comparison. After deliberation, I feel it would be reasonable to allow an extension for this area to be used between 08:00 – 21:00. Currently the restriction is 20:00. I acknowledge the applicant has requested use of this area until 22:30, however, it is my opinion this stretches into more unsociable hours and background levels anecdotally reduce post 9pm, therefore patron noise will appear louder.

I believe it would be sensible to also allow patrons to use the courtyard for smoking to prevent them onto Park Road; patrons are currently not allowed to smoke on the premises. However in doing this, it must be conditioned that no drinks are to be consumed outside/on the courtyard between 21:00 – 08:00 to prevent prolonged congregations of patrons.

The 'current planning conditions' numbered 14-17 in the attached document reference 2020/21835/FUL were imposed to prevent noise nuisance and to protect the amenity of the area; conditions 14-17 must continue to be adhered to.

Kind regards,

Mr Andrew Dent BSc(Hons) MCIEH CEnvH AMIOA
Senior Environmental Health Officer

Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

07702104153

Dated: 04.07.2022

To:- Licensing Manager.

From:- Mr. & Mrs. Perkins.

1, Belle Vue Square.

e.

Broughton Road.

Park Road. Crosshills. BD208AB

Skipton. BD23 1FT

Re application to extend Licensing hours and "Regulated entertainment" at
The Old Bank, Crosshills. Cobbydale Hospitality

We object strongly to the application to extend the opening hours for the following reasons.

- a) Even with the present opening hours, groups of diners gather outside after closing time, especially in good weather, causing disturbance as there are bedrooms on the front of Fernbank House which face on to the Old Bank.
- b) Diners are not allowed to smoke at the front of The Old Bank so smokers move to Park Road right in front of our property, The later in the evening, the louder the "conversation" becomes so extending hours would increase this problem.
- c) Cars regularly park on the double yellow lines all around Park road dead end for long periods, at the end of the evening diners are often collected by car or taxi, again these have to park outside our properties and have to do three point turns to exit.
- d) On the original application for Licensing at the Old Bank, it was stated that it would be "fine dining" on this application to extend hours it states for the purpose of "Regulated entertainment and the provision of late night refreshment". Is this considered fine dining?
- e) Regulated Entertainment, how would this be regulated?
- f) The Constant smell which has been complained about before by others has not been rectified. Are we to put up with night as well as all day?

We hope you will consider our objections seriously and realise that extending these hours will have an even further effect on us, the neighbours, causing more noise nuisance and extended odour.

We did object to the opening of the Old Bank but accepted the decision made however extended hours are definitely not acceptable to us.

Regards.

Mr. & Mrs. G Perkins

Jean Perkins
Gail Perkins

RE: LICENSE APPLICATION
THE OLD BANK
CROSS HILLS

APPENDIX H

Received 1st July



To the Licensing Committee

First of all I would like to ask why the name of the designated premises supervisor as well as the holder of the personal licence does not appear on the application? Is this not a legal requirement? There appear to be so many variations to the original license, is this not a brand new application? It is my understanding that the applicant's license is on premises. We have witnessed people leaving with half finished bottles of wine. Is this permitted under the current license? (This is surely a public safety/ crime and prevention concern?)

Please could I have some clarity about the meaning of late night refreshment -point number 3 of the license? How does this differ from alcohol?

I am writing to object to all the conditions of the variations to the license for the Old Bank, Cross Hills. My name is Nancy Hollingworth, I am a close neighbour and I live at Park Road, Cross Hills, BD20 8AB.

I am currently undergoing gruelling treatment for cancer and could have done without having to deal with this at the moment. However, because of the restricted time frames I must.

I have consulted the Councillor's Handbook regarding the Licensing Act(2003) and will refer to this in the objections I raise.

The license was awarded with no prior consultation by the applicant with residents as part of a mediation process. Once again the applicant has not approached me about these variations to the license. Does this constitute a new application? Mr Andrews does not display neighbourly behaviour to me and has been aggressive. The voluntary conditions added to the license have not changed. This area has always been a residential area where many properties are long-established. Mr Andrews was instructed to be a good neighbour. He fails to exchange pleasantries, has failed to inform us about multiple deliveries which blocked access to our driveway and when approached stated aggressively that there was nothing he could do and that it was not his problem. With the additional variations including extended late night refreshments, extended sales of alcohol, late night music to the license the applicant wants, there will be additional disturbances to neighbours in the immediate vicinity which Mr Andrews appears ill-equipped to manage already. I am reluctant that this area becomes any busier than this business has already created. It is a small dead-end road with double-yellow lines. There is the potential for increased crime and disorder and public nuisance.

The Environmental Health department is currently investigating odour issues with the restaurant. They have acknowledged there is an issue with odour emanating from the extraction system. Despite being pressed to put in place a state of the art extraction system the odours are strong and frequent. The requirement under TR/19 for the operation of commercial kitchen extractors is to maintain them in a clean condition. The document specifies thickness of grease build-up in the ducts; these levels are given in microns. A professional cleaning company is needed to do this though they can give advice about the frequency of cleaning of ductwork. Are the baffles in the cooker head cleaned regularly? Has

Environmental Health checked documentary evidence of a duct work cleaning schedule shown as microns pre and post cleaning? This ongoing investigation concerning odour control falls under prevention of public nuisance and public safety. Though TR/19 is not a legal requirement, it is widely accepted in building and insurance industries as the gold standard for extraction systems and their cleaning. In addition whilst Environmental Health continues its investigation of the establishment it is unacceptable to extend the hours for food orders to 2200hrs. Additionally similar licensed premises in the area are closed by 2200hrs.

The applicant has requested very long hours for live and recorded music. The request for live music shows a lack of respect and disregard for the residents and adjacent neighbours at the bottom of Park Road. There appears no concern for the impact of the operation of the business on neighbours. This request to hold live music events until 2300hrs Monday to Saturday and Sunday 2200hrs and half an hour later for recorded music holds the potential to hugely increase public nuisance. If the applicant intends to hold live music events the applicant had the original license and planning permission granted on the basis of the business model being a restaurant/bar. If the licensing committee support this request, which I would vehemently hope they will not, because of the potential for public nuisance, I would request to witness a noise emissions test prior to the granting of this aspect of the license. I would hope that Environmental Health will be consulted because of the potential for public nuisance. The noise breakout level specific to residential areas should be provided to me before testing. If the music license is granted a sound delimiter should be utilised. We live in a Grade II listed property opposite across a narrow road with single glazed mullioned windows. The Old Bank is also a Grade II listed property. It is difficult to see how noise will be contained in keeping with the additional requirements for a live music venue. Would the applicant need further remedial works to ensure limits to sound control and mitigation measures? (public nuisance /safety and crime prevention)

How will the applicant manage the increased amount of refuse created by extra opening, extra food, live music etc.? The heritage officer, after the plans had been passed, felt that the refuse area was too small, with the increased amount of refuse, how will the applicant avoid a risk to public health and safety? (Prevention of public nuisance/ public safety.)

The original granting of the license on 8/1/21 was clear in terms of conditions to prevent public nuisance and prevent crime and disorder. Conditions were appropriate to the Old Bank and nothing has changed since 8/1/21 and so the variations to license should not be granted. The conditions were clearly set out in the original license by the licensing committee to safeguard the public and residents adjacent to and opposite the business. Since the premises has opened we have witnessed somebody urinating in the street opposite our kitchen window, somebody buying cocaine opposite our dining room window, staying open outside of licensed hours and noise from the outside space, people using Park Road as the smoking area, noisy taxis late at night having to noisily reverse because it is a dead end, delivery lorries blocking the entrance/exit to our driveway and the license holder perceiving that it is not his problem, being shouted out by the applicant on several occasions and one of the clientele making an abusive gesture through our kitchen window at us. There is the

potential for increased behaviour such as this with longer operating hours and off sales of alcohol.

This objection deals with points 3-7. All of these late night hours were addressed in the original license and remain far too late in an exclusively residential area other than the Old Bank. If the restaurant were to open until the proposed opening time of midnight and alcohol served until 11:30 pm this would change the character of the restaurant from being food-focused. In the original license granted on the 8/1/2021 PL0868 the applicant said he understood the concerns about the "public nuisance impact on local residents." "He said he understood the concerns and that his business model was to operate an upmarket restaurant rather than an establishment which had the supply of alcohol, as a focal point.(sic.)" Reasons for the decision to grant Mr Andrews his license in the first place were that "members noted and placed substantial weight on the fact that the business model proposed by the applicant was to run a restaurant with a focus on a quality restaurant experience as an improvement to existing dining facilities in the village, rather than a pub with the focus on the supply of alcohol. On this basis, it was considered (particularly taking account of the representations received from local residents) that it was reasonable to close the premises daily at 10:30pm instead of 11 pm (as requested in the operating schedule) in the interest of preventing public nuisance and protecting insofar as possible the amenity of those most impacted by the new modern bar/restaurant."

Ultimately the licensing committee met on 8/1/21 and in the decision notice determined that the issues, including the business model, had been carefully considered. Mr Andrews, according to the licensing decision, is content with this agreement. Extending the hours of opening for both food and alcohol, extending the hours of the outdoor seating area, introducing live music, and longer opening hours during bank holidays and at Christmas and the New Year would change the usage of the establishment Mr Andrews claims it to be in the original license. As a bar with a focus on late night opening, this would increase drunkenness and disorderly behaviour. This behaviour would result in increased calls to the police from residents and increased general nuisance behaviour from customers would be seen in the area. This poses a risk to public safety and the prevention of crime and disorder. It would also create another venue in the Craven area where alcohol is the main focus of the establishment. This is directly contradictory to the grounds Mr Andrews was granted his original license upon. Craven, and more specifically Cross Hills, Sutton and Glusburn already have many pubs and social clubs.

Finally, and perhaps crucially, on several occasions, The Old Bank has been open outside of its licensed hours demonstrating that the licensee has been unable to adhere to the licensed hours already granted by Craven Council. Some of these occasions of opening beyond the hours of license have been reported to non-emergency police. Furthermore, should the additional hours be granted and the hours then breached this would result in the Old Bank staying open until perhaps 1 am or 2 am in the morning. Add to this the cleaning time required and this becomes akin to club opening hours. Tim Chadwick at Craven Council has stated that the bar is undergoing investigation for breaches of its license and it, therefore, seems inappropriate to pass additional hours whilst this is being done. Granting additional hours seems unfair to residents when the licensee is unable to adhere to the ones set out in the first instance.

Finally I would reassert what I said in my original objections which is that I have a right to enjoy my home under Human Rights Law. I have chronic illness and retire to bed by 10p.m. and will not be disturbed by this business any more than I have been already.

U
 NAWAY HOLDING WORTH
 PARK ROAD
 CROSS HILLS
 B020 & A5

APPENDIX H

Park Road
Cross Hills

12/07/2022

Tim Chadwick
Licensing Manager
Council Offices
1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

Dear Mr Chadwick,

This is a response to your letter dated 6 July 2022. Thank you for clarifying some of the points that I raised.

Can I please have access to the EVH and North Yorkshire police reports prior to the hearing? The incidents described in my objections have now been logged with North Yorkshire Police as you suggested(BCA-44377-22-1212-IR01,BCA-44383-22-1212-01, BCA-44384-22-1212-IR01) . It is unfair to expect me to understand the position of both EVH and the police without eyes on the information before the hearing. Is this the council report?

There are no amendments to the operating schedule or additional conditions that would reduce or remove my concerns in relation to the application. I hope I have made this clear in the comprehensive document that I sent raising my objections to the extensive variations to the original license.

In your letter you raise the issue of the smoking near to residences, there is clearly concern from the council about this. An agreement from the applicant to designate the courtyard as the smoking area may do little to resolve this issue. Nobody will police this, diners may be unhappy with smokers in the courtyard and ask them to move and staff will be exposed to secondary smoke.

I should also like to make clear that I am still immuno compromised. I shall be wearing a mask and would like to be socially distanced (2 metres) from everyone else in the room. If attendees have symptoms of Covid19 I would ask that they do not attend. I would also like windows and doors open. This is particularly important with the upsurge in cases of the Omicron BA.4 and BA.5.

Yours sincerely,

NANey HOLLINGWORTH

*(Eric completed LAR)
(email from Julie Ferguson)
to*

Notice of actions following receipt of notice of hearing

Application Name: Cobbydale Hospitality Ltd, Variation of Premises Licence PL0868

Application Address: The Old Bank, Main Street, Crosshills, BD20 8TB

I am	The Applicant/Licence Holder	
	A Responsible Authority	
	An Interested Party	<input checked="" type="checkbox"/>

Name: Nancy Hollingworth

Address: Park Road, Crosshills BD20 8AB

hereby confirm that I have received the Notice of Hearing dated 06.07.2022 in respect of The Old Bank, Main Street, Crosshills, BD20 8TB

I will be attending the hearing

I will not be attending the hearing

I will be represented at the hearing by:

NB If you complete this section all further correspondence will be sent to your representative

If you wish to withdraw your objection please tick here

OR

If you consider that a hearing can be dispensed with please tick here please provide details of why you think a hearing can be dispensed with. (e.g. because you have reached agreement with the other party(ies) on conditions/operating schedule)

Further details if applicable:

Witnesses

Please set out below the name of any person you wish to appear at the hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the committee gives permission

Name	Evidence to given

Documents

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to other parties.

Document	Copy Sent
<p>email to from Julie Ferguson</p>	<p>1 copy to Tim Chedwick licensing manager</p>

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.

Personal Details	
Name:	Keith Rogers
Address:	Park Road, Cross Hills
Postcode:	BD20 8AB
Contact telephone number(s)	
Daytime:	
Mobile:	07
Email address:	.uk

Licence application about which you wish to make a representation <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: Cobbydale Hospitality Ltd
Name of Premises (if applicable): The Old Bank
Premises Address (where the Licence will take effect): Main Street, Crosshills
Postcode: BD20 8TB

Reason/s for representation <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

The requested extensions to the hours and particularly to those of the outside area will have a detrimental effect on the residences surrounding the premises, giving greater opportunity for the effects of alcohol to lead to the committing of crimes and disorder. As this was not considered appropriate on the first application, I see no compelling reason for it to be acceptable now. It would appear to be an attempt to extend the hours incrementally.

Public Safety

This goes hand in hand with the above.

The Prevention of Public Nuisance

Under the existing licence arrangements, we are experiencing late night noise particularly from taxi and other vehicles which park illegally at the end of Park Road with engines running waiting for clients to leave the restaurant. Many do so quietly but not all. The extension to the hours would only exacerbate this but later into the night when many local residents would be going to or already be in bed. Similarly, the ability to hold live music events up to 11.00 p.m. would prove disruptive to sleep for adults and children alike. I think that the proprietor is being dismissive of the concerns of residents closest to his premises in this application. If we had moved in after the premises had become a bistro we have no case but we have been here considerably longer than the bistro and our views should be respected.

There has been a considerable increase in traffic on Park Road since the opening of the Bistro with the lorries and vans which service it. This traffic can only increase if the hours are extended. Many of these vehicles reverse back up Park Rd as it is too narrow to turn or use the drives of local residents to turn round. An increase in this traffic as a result of the extended licence would be unacceptable.

We already have issues with the smell of food from the premises. This would continue for longer should food be served to 23.30 as requested.

The Protection of Children from Harm

Sleep disturbance is the most likely harm to be caused to children as they will be in bed during the extended hours requested.

APPENDIX I

--

I, <u>KEITH ROGERS</u>, hereby declare that all information I have submitted is true and correct.	
Signed:	Date: <u>1/7/2022</u>

<p>Please send the completed form before the deadline to:</p> <p>Craven District Council Licensing 1 Belle Vue Square Broughton Road Skipton BD23 1FJ</p> <p>Alternatively, the form may be emailed to: licensing@cravenc.gov.uk</p>
--

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

GENERAL

There will be sufficient staff on the premises to ensure the safety of staff and patrons to ensure that the licensing conditions can be enforced.

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.

It will be maintained, working and recording at all times when the premises are open.

The recordings should be of good evidential quality to be produced in Court or other such hearing.

Copies of the recordings will be kept available for any Responsible Authority for 28 days- subject to data Protection.

Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request- subject to Data Protection.

Copies of the recordings will display the correct time and date of the recording.

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.

THE PREVENTION OF CRIME AND DISORDER

Signage will be placed on all customer exit points asking them to respect residents whilst leaving the premises.

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.

Documented records of such training shall be kept for a minimum of one year and 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.)

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.

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Both Refusals and Incident Report registers shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.

PUBLIC SAFETY

Premises are to be checked by the Licence Holder, DPS or duly authorised person to ensure that it is safe for the premises to be opened to the public each day.

The Licence Holder will ensure that staff undergo appropriate training about emergency and general safety precautions and procedures.

THE PREVENTION OF PUBLIC NUISANCE

Last orders for food will be at 21:00 each day. Under the Variation this would become 22:00hrs

Last orders for alcohol will be 30 minutes before closing time each day.

The external courtyard will not be used between the hours of 20:00 and 08:00 apart from for entrance and egress. As agreed with Environmental Health this would become *The external courtyard will not be used between the hours of 21:00 and 08:00 apart from for entrance and egress and use by smokers. During this period no food or drink may be taken outside for consumption.*

Any drinks purchased on the premises can only be taken off the premises in a sealed container.

No smoking shall be permitted anywhere on the premises (inside or outside) and appropriate signage will be in place.

All windows and doors to the premise (excluding the outer front door) must be kept closed, save for entrance and egress.

No amplified music or other sound amplification equipment shall be produced or played within or outside of the premises (N.B. internally, incidental music will be permitted).

The glass and metal recycling bins shall not be used between the hours of 21:00 - 08:00.

No deliveries shall be received or dispatched from the premise between 21:00 and 07:30 nor at any time on Sundays or Public Holidays.

Signage will be placed on all customer exit points asking them to respect residents whilst leaving the premises.

THE PROTECTION OF CHILDREN FROM HARM

Children under 16 years of age shall only be allowed entry when accompanied by adults.

Challenge 25 Policy is to be operated on the premises with the only acceptable proof of age identification being a current passport, photo card Driving License or identification carrying the

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PASS logo or military id (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises License Holder).