

LICENSING & APPEALS SUB-COMMITTEE

(Members are asked to arrive at 9.45am)

Thursday 1st December 2022 at 10.00am

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

AGENDA

Sub-Committee Membership: Councillors Heseltine, Moorby and Myers.

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

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

4. **Application for Grant of Premises Licence** – To consider an application for a variation of a Premises Licence under section 34 of the Licensing Act 2003 and make a determination under section 35 of the Licensing Act 2003 based on the licensing objectives, taking into account relevant representations.

Agenda Contact Officer:

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23 November 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

1 December 2022

Licensing Act 2003

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

Ward(s) affected: Cowling

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 Stephen Davy, for a premise known as Hop & Vine of 111 Keighley Road Cowling 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

- 3.1 The Licensing Authority acknowledges that 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.
- 3.2 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.
- 3.3 As part of the planning permission that has been granted, conditions for hours of use are set at 12:00 – 2100hrs., The Committee are asked to note the conditions under the planning determination and avoid duplicating these under the Licensing Act 2003. A copy of the determination can be found at **Appendix A**. 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.
- 3.4 On 12th October 2022 the Licensing Authority received an application for the **VARIATION** of a premises licence for Hop &Vine, 111 Keighley Road. The premise has had the privilege of a premise licence since 1st April 2020. The 28 day statutory consultation period was initially due to run 13.10.2022-10.11.2022 in compliance with the advertisement regulations. However due to an administrative error by the applicant, it was found the blue notice had not continually been on display to allow a full 28 day consultation period, the consultation period therefore was reset and ran 25.10.2022 - 21.11.2022.

4. Application

The application, along with plan of the premise are attached at **Appendix B**. There are no proposed changes 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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The application has been advertised at the premise and advert placed in a local news circular as required by the Act.

- 5.1 Formal responses were received from Planning [**Appendix A**] and North Yorkshire Police [**Appendix C**]. In addition, Environmental Health submitted an objection and have had further discussions with the applicant [**Appendix D**]. The objection raised by Environmental Health remains unresolved.
- 5.2 Some of the additional concerns raised by nearby residents during the consultation are in relation to the use of the outside rear area of the premise. The premise currently has authorisation for ON premise sales of alcohol and no variation has been made to change this in this application. This means retail sale of alcohol can only be for consumption within the licensed area of the premise. This is the area of the premise defined by the red line on the plan of the premise, see Appendix B. The premise does not have the privilege of OFF premise sales of alcohol, which would allow patrons to consume alcohol in the outside rear of the premise, as this is excluded from the premise plans [area defined by the red line]. However, by virtue of the Business and Planning Act 2020, any premises which is authorised for ON premise sales only is automatically granted permission to be authorised for OFF premise sales and any condition restricting the OFF sale suspended. This auto-entitlement runs until 30th September 2023 (unless further extended). Furthermore, this provision can be reviewed by a licensing authority on application by a responsible authority.
- 5.3 During the consultation period three valid public objections were received. These are attached at **Appendix E-G**. 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. The applicant has tried to address the concerns regarding use of the rear road by way of additional conditions. However to date it has not been possible to reach an agreement, which would ease concerns and therefore allow objections to be withdrawn. The applicant did agree to attend mediation with the Licensing department and members of the public who had made objections. To date, I have received no update on this from two objectors and one has turned down the offer due to past history.
- 5.4 Each objection brings up several concerns, with the primary concern being **Public Nuisance**. Members will be aware that 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.
- 5.5 Members will be aware that 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.
- 5.6 Parking would normally be a consideration for Planning, as any commercial premise could have an impact on parking, irrespective of whether or not it was Licensed under this Act.

6. Summary of Key Points

<p>Authorised hours under current Premise Licence PL0857</p>	<p>Variation of current hours and or addition of</p>
<p><u>Retail sale of Alcohol [On]</u></p> <p>1200-2100 hrs Monday – Sunday</p>	<p><u>Retail sale of Alcohol [On]</u></p> <p>1200 – 2300 hrs Monday – Sunday</p> <p>Seasonal variation 1200 – 0100 hrs Christmas Eve and New Year’s Eve</p>
<p><u>Recorded Music (Indoors)</u></p> <p>1200-2100 hrs Monday – Sunday</p>	<p><u>Recorded Music</u></p> <p>No change</p> <p>Members should note that recorded music is not classed as regulated entertainment between 0800-2300 if a Premises is licenced for on-sales of alcohol and the audience consists of no more than 500 people.</p>
<p><u>Opening Hours of Premises</u></p> <p>1200 – 2130 hrs Monday to Sunday</p>	<p><u>Hours premise are open to the public</u></p> <p>1200 – 2330 hrs Monday – Sunday</p> <p>Seasonal variation 1200 – 0130 hrs Christmas Eve and New Year’s Eve</p>
<p><u>Live Music</u></p> <p>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 	

<p>consists of no more than 500 people. Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.</p>	
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6.1 Members will be aware that under the Licensing Act 2003 there is no 'drink up time'. The Council's policy therefore recommends this is considered [6.3] the applicant has therefore included a drink up time within their operating schedule, which is why the opening times are 30 minutes longer than the licensable activities.
If the Schedule doesn't specify how long the customers will be allowed to drink on the premises once the sale of alcohol has ceased, the premises will have to close at the terminal hour for the serving of alcohol.

6.2 See **Appendix H** for photos of the premise and site locations.

6.3 The applicant has submitted Temporary Event Notices (TENs) to cover some of the games of the World Cup. These notices have been submitted for 23rd November to 27th November & 29th November – 5th December, extending the hours of retail sale of alcohol until 0000hrs.

7. Steps to Promote the Licensing Objectives

7.1 The Licencee has reviewed the current conditions on the licence and carried out their own risk assessment for this application. This application includes additional conditions beyond those already imposed on the licence, with the aim of promoting 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 along with the additional conditions offered up on the application and during the consultation. See **Appendix I**. These are in addition to the mandatory conditions that are embedded on the licence.

7.2 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 A**).

7.3 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.

7.4 Conditions should not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators. They should not seek to manage the behaviour of customers once away from the direct control of the licensee. Failure to comply with any condition attached to a licence is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment.

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 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.

Beer gardens or other outdoor spaces

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then

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collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

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.

Disclosure of personal details of persons making representations

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

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 12

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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 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

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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;
- 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 reassurance 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.

- 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 backdrop 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.

AGENDA ITEM 4

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@cravenc.gov.uk

Appendices –

Appendix A (Page 18) –	Planning Determination
Appendix B (Page 23) –	Application & Plans
Appendix C (Page 36) –	North Yorkshire Police Response
Appendix D (Page 37) –	Environmental Health Response
Appendix E (Page 39) -	Middleton Objection
Appendix F (Page 40) –	Boocock Objection
Appendix G (Page 42) -	Bains Objection
Appendix H (Page 44) –	Site Photos
Appendix I (Page 53) –	Licence Conditions

AGENDA ITEM 4 APPENDIX A

RE: Application to Vary existing premises licence PL0857 Hop & Vi...



Owen Holmes

To Licensing



14/10/2022



You forwarded this message on 18/10/2022 16:56.



2019-21126-FUL Decision Notice.pdf
190 KB

Good morning

I can confirm that this site does have planning approval ref. 2019/21126/FUL to operate as a micro pub. However, condition 6 states:

The premises shall only be open for trade or business between 12 noon and 21.00 hours Monday to Saturday and between 12 noon and 21:00 hours Sunday and Bank Holidays.

An application to vary the condition will be required to be submitted and approved by the LPA to match those hours proposed on the above premises licence. Should the applicant implement these hours without the necessary planning approval, there is a risk of formal enforcement action.

Kind Regards

Owen Holmes, M.A. (Town & Regional Planning)

| Planning Officer, Development Management

| m: 07738 289804

Attachment of email from Mr Holmes;



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

Heritage Planning Design
82 Park Road
Bingley
BD16 4EJ

PLANNING DECISION NOTICE

Town and Country Planning Act 1990

Application No:	2019/21126/FUL
Date Received:	4th November 2019
Applicant:	Mr Stephen Davy
Proposal:	Change of use from financial and professional services (use class A2) to drinking establishment (use class A4) and minor exterior works including replacement of front door, reinstatement of rear window and siting of condenser units within rear yard
Location:	111 Keighley Road, Cowling, Keighley, BD22 0BE
Decision/Date	20th December 2019

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

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

Time Limit for Commencement

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

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

Approved Plans

- 2 The permission relates to the following plans:
 - 002 received by Craven District Council on the 31st October 2019
 - 01 0326 Rev 1 received by Craven District Council on the 31st October 2019

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



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



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

Before you Commence Development

- 3 Prior to the commencement of development, a noise assessment for the proposed condenser units shall be carried out to BS 4142 by a suitably qualified person. 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 accord with Policy ENV3 of the Local Plan and guidance contained within the National Planning Policy Framework.

Before the Development is Occupied

- 4 Prior to first use, a detailed scheme for the sound insulation between the proposed pub and adjoining residential properties 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 pub will not impact those living in the adjoining premises.

The sound insulation works shall be engineered so the dB levels within the residential buildings adhere to BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (See Table 4, page 24).

Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise and to accord with Policy ENV3 of the Local Plan and guidance contained within the National Planning Policy Framework.

Ongoing Conditions

- 5 No deliveries shall be received or dispatched from the premise outside the hours of 08:00 - 19:00 or at any time on Sundays or Public Holidays.

Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise and to accord with Policy ENV3 of the Local Plan and guidance contained within the National Planning Policy Framework.


- 6 The premises shall only be open for trade or business between 12 noon and 21:00 hours Monday to Saturday and between 12 noon and 21:00 hours Sunday and Bank Holidays.

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 paragraph 123 of 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.cravencdc.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.



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.

AGENDA ITEM 4 APPENDIX B

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 MR. STEPHEN BRYAN DAVY (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	PL 0857
-------------------------	---------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description HOP & VINE, 111 KEIGHLEY ROAD, COWLING	
Post town KEIGHLEY	Post code BD22 0BE

Telephone number of premises (if any)

N/A

Non domestic rateable value of premises

£ NIL

Part 2 – Applicant Details

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

Current postal address if different from premises address

[REDACTED]

Post Town

[REDACTED]

Postcode

[REDACTED]

AGENDA ITEM 4 APPENDIX B

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)

ADDITIONAL '2' HOURS DRINKING TIME FROM
21.00 HOURS TO 23.00 HOURS

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

N/A

AGENDA ITEM 4

APPENDIX B

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

AGENDA ITEM 4 APPENDIX B

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					

AGENDA ITEM 4 APPENDIX B

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			
Wed			
Thur			
Fri			
Sat			
Sun			
			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)

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)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			Please give further details here (please read guidance note 5)	
Thur			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 6)	
Fri			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)	
Sat				
Sun				

AGENDA ITEM 4 APPENDIX B

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	
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 live music (please read guidance note 6)	
Thur					
Fri					
Sat				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)	
Sun					

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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 6)	
Thur					
Fri					
Sat				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)	
Sun					

AGENDA ITEM 4 APPENDIX B

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	Outdoors
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 5)		
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		
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	Outdoors
				Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			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					
Fri			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					
Sun					

AGENDA ITEM 4 APPENDIX B

I

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			Please give further details here (please read guidance note 5)			
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur						
Fri						
Sat				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)		
Sun						

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	12.00	23.00	State any seasonal variations for providing dancing facilities (please read guidance note 6) THESE ARE THE EXTENDED HOURS BASED ON THE "RETAIL SALE OF ALCOHOL" HOURS OF 12.00 - 23.00. CHRISTMAS EVE 12.00 - 01.00 NEW YEARS EVE 12.00 - 01.00			
Tue	12.00	23.00				
Wed	12.00	23.00				
Thur	12.00	23.00		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)		
Fri	12.00	23.00				
Sat	12.00	23.00				
Sun	12.00	23.00				

AGENDA ITEM 4 APPENDIX B

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)

N/A

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	12.00	23.30	<p>CHRISTMAS EVE 12.00 - 01.30</p> <p>NEW YEARS EVE 12.00 - 01.30</p> <p>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)</p>
Tue	12.00	23.30	
Wed	12.00	23.30	
Thur	12.00	23.30	
Fri	12.00	23.30	
Sat	12.00	23.30	
Sun	12.00	23.30	

AGENDA ITEM 4

APPENDIX B

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

N/A.

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

M

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

NO DRINKS WILL BE ALLOWED IN ANY EXTERNAL
AREAS OF THE PREMISE AFTER 21.00 HOURS

e) The protection of children from harm

NO CHILDREN UNDER 16 YEARS OF AGE WILL
BE ALLOWED WITHIN THE LICENSED AREA OF
THE PREMISE AFTER 21.00 HOURS

AGENDA ITEM 4 APPENDIX B

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

Date 11th OCTOBER 2022

Capacity PREMISES LICENCE HOLDER

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)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

AGENDA ITEM 4 APPENDIX C



Full Variation Application :PL0857 Hop & Vine, 111 Keighley Road, Cowling, BD22 0BE

 Allen, Jackie <Jackie.Allen@northyorkshire.police.uk> on behalf of NYP Licensing <NYPLicensing@northyorkshire.police.uk>
To: [Redacted]
Cc: Licensing

 Reply  Reply All  Forward 

Fri 14/10/2022 08:38

 PL0857 Hop & Vine Full Variation application 13.10.22.pdf 3 MB
 PL0857 Hop & Vine licence from 18.01.2021.pdf 266 KB

Good morning Stephen,

As you are aware I am a Licensing Officer for North Yorkshire Police, part of my role is to process all licensing applications that are submitted to North Yorkshire Police in our role as a responsible authority (as defined by the Licensing Act 2003). I would ask that you accept this e-mail as both an acknowledgement to your communication and the formal response.

I am aware that you have submitted an application for a full variation to extend licensable activities for the retail sale of alcohol, (increase the hours from 21:00 to 23:00 and seasonal variation times for Christmas and New Year's Eve until 01:00).

I am happy to support the full variation, all the current conditions on the licence will remain in place, with those offered by you in your operating schedule.

Regards

Jackie Allen
PC1503
Licensing Officer (Craven & Harrogate)
Contact number [tel:- 07802 251151](tel:07802251151)

AGENDA ITEM 4

APPENDIX D

From: Graham Tarn <GTarn@cravendc.gov.uk>
Sent: 18 November 2022 15:07
To: Stephen Davy
Subject: Hop and Vine Cowling

Mr Davy

Further to our recent conversation. My direct phone number is 01756 706339. I will be making comments to the licensing department. I am hopeful we will be able to produce a plan that will be agreeable to all parties.

Regards

Graham Tarn

Graham Tarn
Environmental Protection Officer

From: Stephen Davy
Sent: 18 November 2022 15:39
To: Graham Tarn <GTarn@cravendc.gov.uk>
Subject: RE: Hop and Vine Cowling

Dear Graham

Thank you for your time on the phone this afternoon, as discussed I have attached the emails set to 'Tim Chadwick.

The main changes I am prepared to make are as follow2s:-

No patrons allowed outside after 21.00 hours, also I have offered to close off the rear entrance to try to appease the objectors and also fit a secure sliding lock, with a 'break glass' (Hammer supplied on a chain at the side) so patrons may exit in an emergency, signage stating "no exit" unless in an emergency, break glass

On the outside of the gate, a sign stating "no entry" please use front door for access

Should you have any queries please feel free to contact me on 0789 271 2781

Regards
Steve
Stephen Davy

AGENDA ITEM 4

APPENDIX D

Graham Tarn to Mr Davy
Mon 21/11/2022 11:59

Mr Davy

Thank you for your time on Friday to discuss your proposal to vary the opening times. I can confirm I do not have any issues with your proposal in general for the premises to be open until 23:00hrs, but am concerned about the impact of the use of the rear beer garden/area until 21:00. Due the close proximity of residential properties and the difficulties in you being able to control the noise from patrons using the rear beer garden/area I would advise that this time is reduced to 19:30hrs. I appreciate you may wish to use this area for longer periods especially in summer months however by asking for a more reasonable time for this area to be used will reduce the impact your business will have on local residents, especially potential sleep disturbance for young children in the area.

Would you be agreeable for this restriction on the use of the rear outside?

Regards

Graham Tarn

From: Stephen Davy
To: Graham Tarn
22nd November 2022

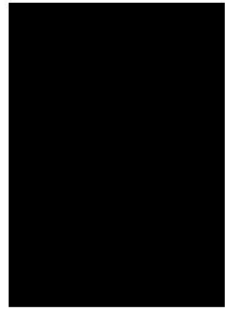
Dear Graham

Thank you for your email regarding the above, I am pleased that in general the 23.00 hours seems ok. (Judging on trade to date the only nights the 23.00 hours closing time is likely to implemented would be a Friday and Saturday night, or a pre-booked event)

Regarding your concerns about the beer garden, I would be very reluctant to reduce the hours from 21.00 hours to 19.30 hours as you can imagine when we have nice weather this area has been very popular (particularly with families including those with young children) also we close on Monday/Tuesday. The remaining weekdays, Wednesday and Thursday are very quiet (sometimes it's not worth opening). The busiest nights are a Friday and Saturday night, so please be reassured I have carefully considered the impact on local residents and this still remains a priority, as it was before I made my original proposal to reduce the opening hours for the beer garden/area to 21.00 hours.

Regards
Steve
Stephen Davy

AGENDA ITEM 4 APPENDIX E



Wednesday 19th October 2022

Dear Sir/Madam,

Re: Hop & Vine – 111 Keighley Road, Cowling, BD22 0BE – extended opening hours application

I am writing to object to the proposed extended opening hours. I have raised a complaint with the council and filed police reports with regards to not only the noise but the behaviour of the customers. I have also sent video evidence to Erin Duckworth at the council to support my claims.

The pub is converted flats/house and is in the middle of many houses. It's back yard is opposite mine. People are sat in the garden till late at night swearing and just being generally noisy. The owner is also allowing people to use the back gate which leads out onto a private road where the local children play. Not only are they causing a disturbance but walking out with glasses. The back road is also used by dog walkers to access the park. Which raises concerns about broken glass.

Although Mr Davy has been told that the use of the back gate is restricted people continue to use it as well as the back yard. Noise is still bad also, and I feel the extended hours will only worsen the situation for the residents.

Kind Regards

A black rectangular redaction box covering the signature of the sender.

A black rectangular redaction box covering the name of the sender.

Email: A black rectangular redaction box covering the email address of the sender.

CDC
Received 25th October 22.

[REDACTED] **Boocock**
[REDACTED]
[REDACTED] (evening)
Email [REDACTED]@hotmail.com

Licensing Manager
Craven District Council
1 Belle View Square
Broughton Road
Skipton
BD23 1FJ

24 October 2022

Dear Sir/Madam,

Re application to extend the licensing hours for Hop & Vine, 111 Keighley Road, Cowling.

Firstly, I am unsure if there are two separate applications, as there have been two separate notices placed in the window of the property. I will deal with these separately.

Application to extend the opening hours from 12 noon until 23:00 hours

Objection on the basis of the following:

1. **Prevention of public nuisance.** The Hop and Vine is situated in a largely residential area. Planning permission was granted (see CDC planning 2019/21126/Full) on the basis that trading should only take place between 12 noon and 21:00. The rationale behind this decision was to safeguard the living conditions of residents by preventing nuisance under paragraph 123 of the National Planning Policy Framework. Any permanent extension would result in the establishment being in breach of the planning consent, as well as increase the noise, swearing etc outside the rear of the property, where people tend to congregate in a seating area.
2. **Prevention of crime and disorder.** I understand other residents have complained to CDC regarding the use of the private road at the back of the Hop and Vine for both access to the rear of the property. The outside area of the property attracts rowdy behaviour, to the point where it is impossible to sit outside. Also this carries on until after 9pm. Any extension would only make this worse, especially when there are 4

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households with young children within a 10 meters from the rear of the property. (See 4.14 and 4.42 of the licensing policy).

Application for an extension of the licensing hours on Christmas Eve and New Years Eve

Given the very specific nature of these [REDACTED] ons, I have no major objections, though note should be made [REDACTED] y comments above.

Yours faithfully

[REDACTED]

[REDACTED] Boocock

AGENDA ITEM 4

APPENDIX G

Mr Bains

[REDACTED]
I and S Bains

My concerns with the application of extended licence at Hop & Vine Bar on Keighley Road is because I feel isn't welcome nor needed. The bar was granted the initial licence for selected hours and for only certain days. This was of worry to me initially and has proven to be so to over the months it has been open.

I live above the premises next door, with my family and have experienced noise, issues with parking, foul language, loitering, drug dealing at the back of the premises, to name a few. On a few occasions witnessing customers leaving round the back entrance arguing with neighbours over urinating around the area. I have complained to the police about this already. This with current closing hours at 9pm so believe extending this would be a disaster. Customers from the Hop and Vine leaving intoxicated and driving their vehicles home. This worries me no end and would hate to see a fatality due to it. Extending licencing hours would only worsen this risk. I have heard noise after hours inside the bar which I suspect is further drinking and then leaving noisily later again, if license is further extended this will continue to occur into the early hours. Which would be a nightmare for everybody.

Parking was always a problem where this bar is located as it is on a blind bend on a main road and cars do park outside resulting in a small carriage way. There is no allocated parking for the bar and this also can't be established so cannot see any of the problems getting better.

The later hours and more days would impact on local residents as naturally there would be more noise, more lighting, taxi's collecting customers causing hazards on a main road, loitering whilst leaving and more disruption to local residents who want to park their own cars, often needing to find alternatives. This isn't fair on them and will become problematic resulting in disputes and unhappiness.

The lack of services running on buses at 11pm would encourage drink driving or people waiting outside for taxi's, creating noise.

I worry about broken glass, litter, fighting and vomiting given my close proximity and my business next door.

There is already one pub and a restaurant in the village and don't feel that more is needed especially in a quieter end of the village. However you have already granted a licence for limited days and hours and this is sufficient as it is, because it's certainly caused my family and other residents, misery to date without it being further compound it.

This could then further develop into a sports pub if an application for TV and sports for example were applied for, another unwanted worry with implications. I know from speaking to people from other villages that approvals of these applications have cause issues in other small communities around Yorkshire with anti social behaviour and increased noise.

To granted a licence for 11 hours every day, without serving food, effectively the same hours as the local pub which sells food, is not very thought through or advisable. It encourages alcoholics to visit earlier and drink for longer. This does not look good image wise and given school children walk past at 3pm would be foolish and could again be a risk to the public.

AGENDA ITEM 4

APPENDIX G

Because of where we are situated no police presence is around as across 2 police forces and I worry if situations occur the response time would be high given extension to 11pm when possibly busier.

As I run the shop next door I would experience more issues with deliveries and customers unable to park due to customers from Hop and Vine. Why would I think this application is in anyway sensible. I have seen too much already to know this would be a disaster.

My intention is also to send a letter to my local MP if granted

Received 9 November 2022 – tim chadwick

AGENDA ITEM 4 APPENDIX H

Hop and Vine 111 Keighley Road Cowling





Unadopted road that runs behind the premise the beer garden is on the right after the blue fencing.

AGENDA ITEM 4 APPENDIX H

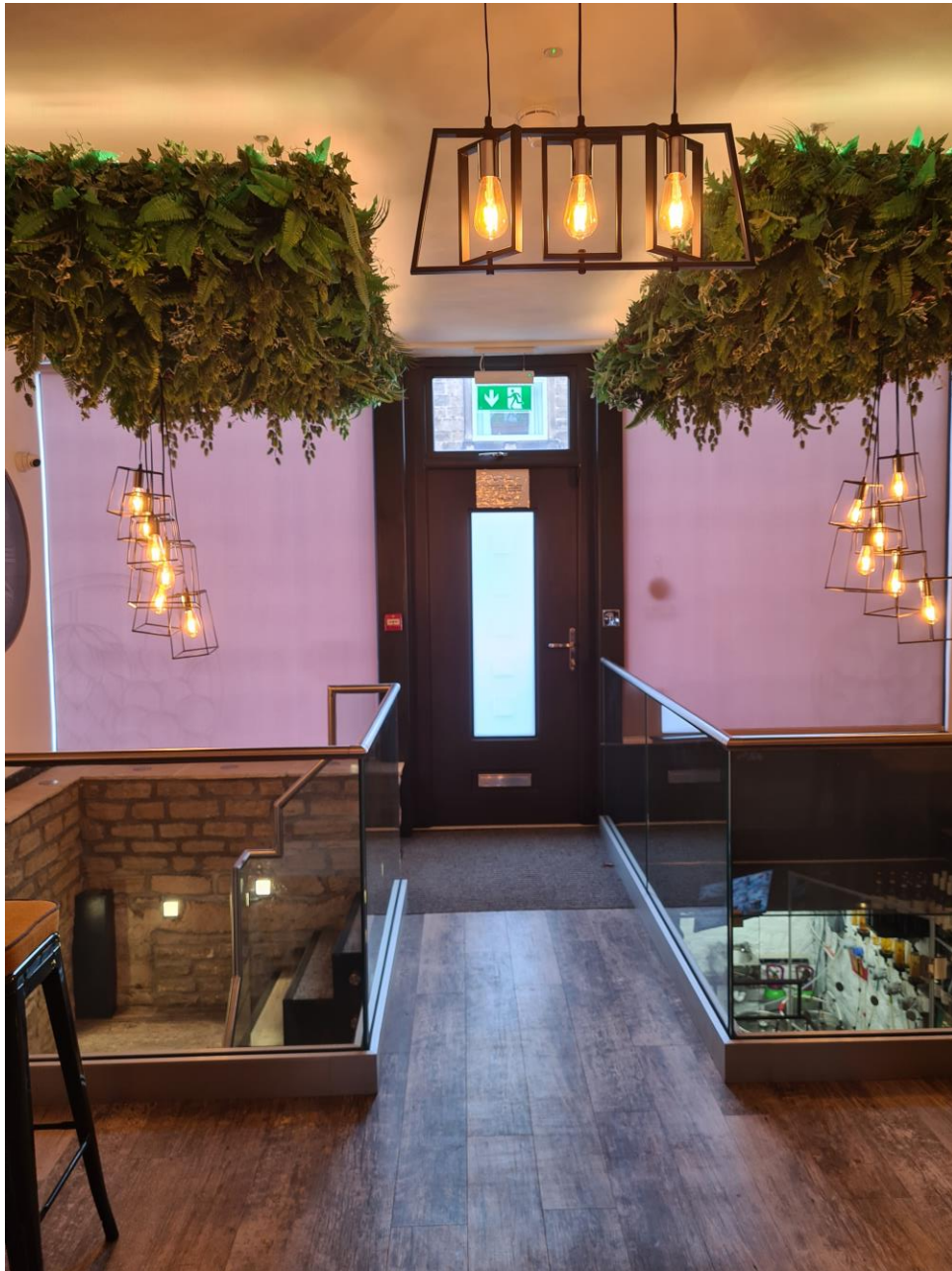


Looking up unadopted road. Beer garden on the left behind the brown fencing



Outside area

AGENDA ITEM 4 APPENDIX H



Ground floor, Entrance from the road, steps on the left go down to the basement/bar area



Ground floor looking from the entrance to the seating area and toilets

AGENDA ITEM 4 APPENDIX H



At the bottom of the stairs to the basement looking over the bar, seating and the door to the outside area in the background

AGENDA ITEM 4 APPENDIX H



Looking from the door in to the courtyard in to the bar, with the stairs to the ground floor in the background.

AGENDA ITEM 4 APPENDIX H



Notice on display on entrance door and basement floor door

AGENDA ITEM 4 - APPENDIX I

PL0857 HOP & VINE

111 Keighley Road, Cowling, Keighley BD22 0BE

CURRENT CONDITIONS ON THE LICENCE:

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

Prevention of Crime and Disorder

CCTV

- 1a. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) where public have access to consume alcohol.
- b. Subject to breakdowns and/or circumstances outside the control of the operator (in which case the police will be notified at the earliest practicable opportunity) the system will be maintained working and recording at all times when the premises are open to the public.
- c. The recordings should be of good evidential quality to be produced in court or other such hearing.
- d. Copies of the recordings will be kept available for any Responsible Authority (subject to the Data Protection Act 1998) for 28 days.
- e. Copies of the recordings shall be made available to any Responsible Authority (subject to the Data Protection Act 1998) within 48 hours upon request.
- f. Copies of the recordings will display the correct time and date of the recording.
- g. it is the responsibility of 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 any Responsible Authority.

Public Safety

Staff Training

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

Retail sale of alcohol

Age verification policy

Conditions attached to the Premises Licence

Permitted Licensable activities

The Licensing objectives and

The Opening Times of the venue.

3. Such training (Condition 2) will be refreshed (and documented) every six months and the documented records shall be kept for a minimum of one year, and will be made available immediately upon request from any Responsible Authority.

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

5. Such records (referred to in Condition 4) shall be kept for at least one year. [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]: They will be made available immediately upon a reasonable request from any responsible authority.

6. The premises will adopt "Challenge 25"

AGENDA ITEM 4 - APPENDIX I

7. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
8. Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimize noise and when smoking and/or leaving.
9. Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area (licensed area) onto the pavement or highway.

PROPOSED ADDITIONAL CONDITIONS WHICH THE APPLICANT HAS PROPOSED WITH THE FULL VARIATION APPLICATION AND AS PART OF THE PUBLIC CONSULTATION:

INCLUDED ON THE INITIAL APPLICATION

The Prevention of Public Nuisance

No drinks will be allowed in any external areas of the premise after 21:00 hours.

The Protection of Children from Harm

No children under 16 years of age will be allowed within the licensed area of the premises after 21:00 hours.

ADDITIONAL CONDITIONS OFFERED UP DURING AND IN RESPONSE TO PUBLIC CONSULTATION

The Rear Entrance/exit will have a sliding lock, with a 'break glass' (hammer on a chain at the side) so patrons may only exit in an emergency, signage will be placed stating 'no exit' unless in an emergency, break glass

A notice will be placed on the road side of the rear entrance/exit with a notice stating no entry please use front door for access