

LICENSING & APPEALS SUB-COMMITTEE

(Members are asked to arrive by 10.15am)

Monday, 24 June 2019, 10.30am
Staincliffe Suite, Belle Vue Square Offices, Skipton

AGENDA

Sub-Committee Membership: Councillors Moorby, Mulligan and Solloway.

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. **Request for Condition Attached to Private Hire Vehicle License to be dis-applied, Dales Cab Company** – The Sub-Committee is asked to determine a request to dis-apply current conditions which are placed upon Vehicle/Operators Licenses relating to advertising and branding for the life time of the business.
5. **Request for Condition Attached to Hackney Carriage Vehicle License to be dis-applied – Dalesman Central Ltd** – The Sub-Committee is asked to determine a request to dis-apply current conditions which are placed upon Vehicle Licenses relating to advertising & branding.

There will be a short break after the taxi hearings, the Ref and Whistle Premise Hearing commencing at 1pm.

6. **Licensing Act 2003 Application for Grant of Premises Licence at 9-11 Court Lane, Skipton** – The Sub-Committee is asked to consider an application for the grant of a premises license submitted by Mr Simon Greaves in respect of 9-11 Court Lane, Skipton known as Ref and Whistle.

Report of the Licensing Manager attached together with guidance for the conduct of hearings.

7. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Hannah Scales, Democratic Services and Scrutiny Officer

Email: HScales@cravendc.gov.uk

Tel: 01756 706235

14 June 2019

Summary of procedure to be followed in considering taxi licensing matters at a meeting of the Licensing and Appeals Sub-Committee

Having dealt with apologies, the appointment of a Chairman, any declarations of interest and exclusion of the public.

1. The Chairman will introduce her/himself, Members and officers present.

Note : In the event of either party (the Licensing Manager / substitute or the applicant / representative) submitting documents at the Hearing the Chairman may call a brief adjournment to allow Members and the other party time to read those documents.

2. The Licensing Manager / representative will outline the reason for the hearing / reasons for the action taken (if any) against the applicant and call witnesses, if any.

Members may then put questions to the Officer and any witness. The applicant (or their representative) may then ask questions of the Licensing Manager / representative and any witness.

3. The applicant (or their representative) will then be invited to address the Sub-Committee and call witnesses / persons to speak in support, if any.

Members may then put questions to the applicant or their representative and any witness / supporter.

4. The Licensing Manager / representative followed by the applicant or representative will then be invited to sum up.

5. The Sub-Committee, taking into account representations heard / made, and taking into account any relevant considerations, will consider its decision.

At this point the Licensing Manager / representative and the applicant / representative will be asked to withdraw (if a substitute Member is present he / she will also be asked to withdraw). Both parties will be invited back into the room to hear the Sub-Committee's decision.

6. The decision of the Sub-Committee will be confirmed in writing to the driver.

-o-o-O-o-o-

Licensing and Appeals Sub Committee – 24th June 2019



REQUEST FOR CONDITION ATTACHED TO PRIVATE HIRE VEHICLE LICENCE TO BE DIS-APPLIED Dales Cab Company

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To determine a request to dis-apply current conditions which are placed upon Vehicle/Operators Licences relating to advertising & branding for the life time of the business.

2. **Recommendations** – Members are recommended to:

Consider the information in this report and at the meeting then make a decision whether or not an exemption will be granted.

- 2.1 Members may:

- Dis-apply the relevant condition(s) relating to the advertisement of the company on any future vehicle licensed by Dales Cab Company & the currently licensed vehicle PHV028 Registration: TSD 80.
- Refuse the request.

3. **Background**

- 3.1 Mr has been licensed in Craven as a driver since 2014. In 2018 it was noted that a vehicle owned at operated by Mr was displaying signage and branding that where not permissible under the new policy.

The conditions attached to Private Hire Vehicles state;-

4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.

The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear of the vehicle

(b) *A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.*

(c) *A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.*

The sign / plates and notices referred to above will be issued or approved for use by Craven District Council.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

In certain circumstances (such as in cases of executive hire), the council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the council and will be determined by the Licensing and Appeals Sub Committee.

A private hire vehicle must not display:-

(a) *Any sign or notice which consists of or includes the word ‘taxi’ or ‘cab’ whether in the singular or plural or ‘hire’ or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or*

(b) *any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.*

3.2 As a result of the above standard condition, a request for an exemption from this condition was sought. This matter was heard at a licensing and appeals sub-committee on 18th October 2018. Due to the ongoing policy implementation and the wider impact of any decisions regarding branding & advertisement on vehicles members decided to delay making any decision on this case in order to review the policy in place. The decision notice is attached at Appendix A.

3.3 Members will be aware that since the decision to defer, a new policy has been agreed on 22nd January 2019. This specifically looks at regularising requests for company branding. This part of the policy is attached at ‘

4.0 Report

4.1 On 30th December 2018 the following request was received:

“I have now had a chance to look through the licensing proposals you sent to me recently and very much appreciate the provision which I believe has made with my own case in mind i.e. allowing me to keep my graphics for the life of the vehicle with your permission.

However, I would appreciate a representation being made to the committee that would allow my retention of the use of my trading name and the aforementioned graphics for the life time of the business.

This request would be based on the exceptional circumstance of both name and graphics having been in use for more than 10 years. It would also negate the setting of a precedent which I understand you are anxious not to do. I feel that having worked extremely hard to build a reputation for both service and reliability over that period the trading name ***Dales Cab Company*** will have a value in terms of the saleability of the business in years to come and that the continuing use of the vehicle graphics and trading name would be an undoubted asset for any future owner.

At the point I sell the business, I will be moving into full time retirement and so any income derived from the sale of the business will be of considerable significance.”

4.2 The request is in accordance with the new policy, but there is an issue here about the request being for the lifetime of the business (rather than a particular vehicle), which is a key reason as to why the matter is being brought before members for determination.

4.3

Please see APPENDIX \$A

4.4 Prior to the new policy there was no condition that prevented the term ‘CAB’ been used on a private hire vehicle. There was a provision under the old policy to allow a

limited amount of advertisement. The old condition relating to signage on private hire vehicles prior to June 2018 can be found at Appendix C.

5.0 Implications

- 5.1 **Financial Implications** – There is a right of appeal the decision to Magistrates Court which would entail costs to the Council (and Mr) .
- 5.2 **Legal Implications** – Notwithstanding the policy position, the request must be considered on its particular merits. As detailed in paragraph 5.1 an appeal against any decision not to dis-apply the condition(s) can be made to Magistrates Court.
- 5.3 **Contribution to Corporate Priorities** – The policy on branding operates so as to ensure the safety of the travelling public within the District.
- 4.4 **Risk Management** –
- 4.5 **Equality Impact Assessment** - The Council's Equality Impact Assessment Procedure **has not been** followed. The request is to be considered on the particular merits, regardless of the characteristics of the applicant.
- 5. **Consultations with Others** – None
- 6. **Access to Information: Background Documents** – Craven District Council Taxi Licensing Policy – adopted 1 June 2018.
Local Government (Miscellaneous Provisions) Act 1976
Button on Taxis: Licensing Law and Practice Fourth Edition
- 7. **Appendices** – Appendix A – Decision Notice
Appendix B - Advertisement and Branding Policy
Appendix C – Policy for private hire vehicles prior to 01/06/2019
- 8. **Author of the Report** – Tim Chadwick Licensing Manager – 01756 706343
tchadwick@cravendc.gov.uk

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

APPENDIX \$A



APPENDIX A

DECISION NOTICE

REQUEST FOR CONDITION ATTACHED TO PRIVATE HIRE VEHICLE LICENCE TO BE DIS- APPLIED Dales Cab Company

Date of the Hearing

18 October 2018 (Agenda Item 5G)

Licensing and Appeals Sub Committee Members

Councillors Myers (Chair), Moorby and Madeley.

Reason for Hearing

To consider the report of the Licensing Manager to determine a request to dis-apply Private Hire condition 4 relating to advertising and wording in relation to Private Hire Vehicle 28 – TSD80 (the condition forbids use of the word ‘cab’).

Evidence

The Sub Committee carefully considered the report of the Licensing Manager (together with all enclosures), the Council’s Taxi Licensing Policy (‘Council Policy’) (including but not exclusive to the matters referred to below) and relevant Guidance from the Institute of Licensing (‘IOL Guidance’), together with representations of all parties made during the meeting.

The Sub Committee heard from;

- i. Deborah Bragg (Licensing Manager), Tim Chadwick (Licensing Assistant).
- ii. Mr, on behalf of Dales Cab Company

Decision

The Sub-Committee decided to defer consideration of this application until a future Licensing Sub Committee (date to be determined) after the Licensing Committee has further considered the policy. The applicant was invited to make general representations on the policy issue to the Licensing Committee on 13th November 2018 if they chose to do so.

Reasons for the Decision

The Sub-Committee noted that the application concerned the use of the word ‘cab’ in the advertisements on the vehicle. The Licensing Committee will be considering wider issues around the policy of advertising and branding on 13th November 2018 and considered it appropriate to defer consideration of this particular application until after this has taken place. The applicant was invited to make representations on the wider policy issue to that Licensing Committee if they chose to do so.

Right of Appeal

The applicant may appeal against this decision to the Magistrates Court within 21 days of receipt of this notice.

Craven DC

18th October 2018

Policy in relation to the Branding of Licensed Hackney Carriage or Private Hire Businesses on Licensed Vehicles

In order that branding of licensed Hackney Carriage or Private Hire businesses on licensed vehicles are of a standard type, the following conditions shall apply:-

(a) That company branding on a licensed vehicle may only be allowed if:-

- The branding is displayed on the rear passenger doors of the vehicle only and shall be the same size as the existing Hackney Carriage or Private Hire door signs issued by the Licensing Authority, or will cover a similar area if different in shape; or
- The branding of the vehicle is done by way of a professional wrap of the vehicle which does not detract from the ability of customers to be able to identify the vehicle as either a licensed Hackney Carriage or Private Hire Vehicle and that those signs and plates issued by the Licensing Authority are clearly visible.

(d) That no branding should promote tobacco or alcohol products;

(e) That no branding shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;

(f) That no branding shall be displayed without the written approval of the Licensing Manager;

(f) In the case of Private Hire Vehicles, the proposed branding of the company is to be submitted for approval by the licensed operator not individual vehicle owners;

(g) In the case of Hackney Carriage Vehicle proprietors the proposed branding of the company is to be submitted for approval either by the individual Hackney Carriage Proprietor – if they operate as a trading name in their own right, or:-

If a number of Hackney Carriage proprietors work together collectively as a company from a Booking Office then the request can be made from an individual from that company who is designated in writing and is evidenced as formally the company owner or manager responsible for the day to day running of the business.

(h) That the licensed operator / hackney carriage proprietor submitting a request for any branding approval shall submit a written request as well as copies of any designs of any proposed signs/wrapping to the Licensing Manager for consideration.

(i) In the case of any existing licence holder who has branding on their vehicle which has been professionally wrapped or attached to their vehicle which does not comply with the above requirements or conditions attached to their licence can

make a formal request in writing to the Licensing Manager seeking approval to continue to use such branding until such time as their vehicle is replaced.

If an applicant is aggrieved by the decision of the Licensing Manager to give permission for the branding then they can appeal to the Licensing and Appeals Sub Committee in the first instance.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF LICENCE

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in The Road Vehicles (Construction & Use) Regulations 1986 (as amended) shall be fully complied with.

2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

3. Identification Plate

The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable.

4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and the number of passengers prescribed in the licence.

5. Access for Passengers

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats.

6. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate

use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

7. Signs, Notices etc

- (1) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to a sign which:
 - (a) is displayed in on or from the vehicle while it is stationary;
 - (b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and its address and, in either case, the name of a passenger or passengers to be carried in the vehicle; and
 - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- (2) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (3) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.
- (4) Advertisements, which are not of a political, racial, sexual or offensive nature, may be displayed on either or both of the front passenger or driver's doors. The final decision on the suitability of such advertisements lies with the Licensing Manager.
- (5) Roof signs are not permitted on private hire vehicles

Licensing and Appeals Sub Committee – 24th June 2019



REQUEST FOR CONDITION ATTACHED TO HACKNEY CARRIAGE VEHICLE LICENCE TO BE DIS-APPLIED-DALESMAN CENTRAL LTD

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To determine a request to dis-apply current conditions which are placed upon Vehicle Licences relating to advertising & branding.

2. **Recommendations** – Members are recommended to:

Consider the information in this report and provided by Mr by way of attendance at the meeting then make a decision whether or not an exemption will be granted.

2.1 Members may:

- Dis-apply the relevant condition(s) relating to the advertisement of the company on any future vehicle licensed by Mr or Dalesmen Central LTD & the currently licensed vehicle licence numbers HCV;- 069, 070, 156, 171, 188, 230 & 235;
- In addition allow the disapplication of the condition to vehicles which are licensed by other vehicle proprietors who provide evidence that they work through Dalesman;
- Refuse the request

3. **Background**

- 3.1 In 2016 it was noted that a vehicle owned at operated by Mr was displaying signage and branding that where not permissible under the conditions attached to a hackney carriage vehicle. The policy in place at the time is attached at Appendix A.
- 3.2 As a result of the above standard condition, a request for an exemption from this condition was sought. The request and reply to Mr was provided by the Licensing Manager attached at Appendix B.

3.3 On 1 June 2018 a revised taxi policy came into force which included the following conditions attached to Hackney Carriage Vehicle Licences:-

6.14 Additional Provisions for Hackney Carriage Vehicles Only

Advertisements

Only the telephone number and the name of the company/proprietor will be permitted on the roof signs of Hackney Carriage Vehicles – no other advertisement will be permitted including door signs.

3.4 On 22 January 2019 an additional branding and advertisement policy was approved. This specifically looks at allowing licence holders to be able to make requests for company branding. This part of the policy is attached at Appendix C. It also looks to address requests to be made for an exemption where branding was in place before the new policy was implemented.

3.5 Due to the policy change a new request to display signage or branding was required.

This request has been received from Mr of Dalesman Central.

4.0 Report

4.1 On 25th April 2019 a request was made by Mr to display his branding; this is displayed at figure 1. This branding is to be used on all vehicles owned by Mr and Dalesman Central Ltd.

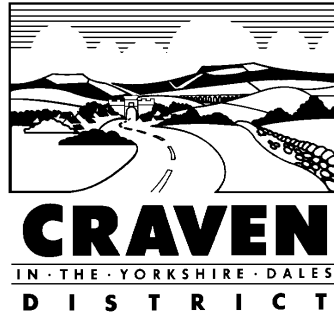
Figure 1:



5.0 Implications

- 5.1 **Financial Implications** – If members refuse the request and Mr and Dalemen Central Ltd continues to use the vehicle(s) then the will be in breach of conditions attached to their Hackney Carriage Vehicle Licence and he can be prosecuted. They can appeal the decision to Magistrates Court which could entail costs to either the applicant and/or the Council.
- 5.2 **Legal Implications** – Notwithstanding the policy position, the request must be considered on its particular merits. As detailed in paragraph 5.1 an appeal against any decision not to dis-apply the condition(s) can be made to Magistrates Court.
- 5.3 **Contribution to Corporate Priorities** – The policy on branding operates to ensure the safety of the travelling public within the District.
- 4.4 **Risk Management** –
- 4.5 **Equality Impact Assessment** - The Council's Equality Impact Assessment Procedure **has not been** followed. The request is to be considered on the particular merits, regardless of the characteristics of the applicant.
5. **Consultations with Others** – None
6. **Access to Information: Background Documents** – Craven District Council Taxi Licensing Policy – adopted 1 June 2018.
Local Government (Miscellaneous Provisions) Act 1976
Button on Taxis: Licensing Law and Practice Fourth Edition
7. **Appendices** – Appendix A – Pre 01/06/2018 Hackney Policy
 Appendix B – Request to display signs 2016
 Appendix C - Advertisement and Branding Policy
8. **Author of the Report** – Tim Chadwick Licensing Manager – 01756 706343
tchadwick@cravendc.gov.uk

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



CRAVEN DISTRICT COUNCIL

**RULES & REGULATIONS
FOR**

**HACKNEY CARRIAGE
&
PRIVATE HIRE**

LICENSING

Revised 13th November 2012

INTRODUCTION

The Licensing Section is based in the Environmental Health Unit of Craven District Council at the Council Offices 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. It is responsible for all licensing issues relevant to Hackney Carriage and Private Hire vehicles, drivers and operators.

These Rules, Regulations & Procedures for Hackney Carriage and Private Hire Licensing were last amended by Craven District Council's Licensing Committee on the 4th September 2012. This version contains all previous amendments and revisions. All previous versions are no longer valid.

Enquiries regarding taxi licensing should be made to the following

**Environmental Health Manager
Licensing Officer
Licensing Technician**

**01756 706226
01756 706343
01756 706383**

Index

1. Guidance Notes for Applicants and Holders of Hackney Carriage & Private Hire Drivers Licences	Page 4-6
2. Hackney Carriage Byelaws	Page 7-12
3. Code of Conduct for Hackney Carriage Drivers	Page 13-16
4. Code of Conduct for Private Hire Drivers	Page 17-20
5. Guidance Notes for Applicants for Hackney Carriage and Private Hire Vehicle Licences	Page 21-23
6. Hackney Carriage Vehicle Licence - Conditions of Licence	Page 24-27
7. Private Hire Vehicle Licence - Conditions of Licence	Page 28-30
8. Guidance Notes for Applicants for Private Hire Operators' Licences	Page 31-32
9. Private Hire Operators Licence - Conditions of Licences	Page 33-34
10. Smoking Ban	Page 35

1

Guidance Notes

For Applicants and Holders of Hackney Carriage and Private Hire Drivers Licences

Driving Experience & DSA Tests

- 1 Applicants for Hackney Carriage or Private Hire Drivers licences are required to have a **minimum of five years driving experience** as the holder of either a full UK Drivers Licence, Community Driving Licence, European Union Licence or Northern Ireland Licence, and be the holder of a **Driving Standards Agency**

(DSA) taxi test certificate. No further DSA test is required until **10 years** has elapsed or a driver has **6 points** on his/her licence.

- 2 Any driver who accrues **6 penalty points** on his/her licence **since** passing the Driving Standards Agency (DSA) test will have his/her drivers licence **suspended with immediate effect on the grounds of public safety**. The licence will be reinstated on production of a new DSA certificate. Exceptional cases will be considered and representations should be made to the Licensing Manager.

DVLA Checks

- 3 Licensed drivers will have their driving licenses checked periodically via the DVLA. All drivers are required to sign a three year mandate to enable the Council to carry out these checks
- 4 **Drivers are required to report penalty points they receive to the Licensing Section within 7 days.** These additional checks with the DVLA will help ensure the licensing section become aware if a driver has 6 penalty points and therefore would need to re-take the Driving Standards Agency (DSA) test in cases where the driver failed to report any convictions.

Application Procedure

- 5 Application forms for these licences can be obtained from the Licensing Office, Council Offices, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ
- 6 The completed application forms should be returned **in person** to the Licensing office at the above address, together with the following: -
 - (a) Current Full UK Drivers Licence, Community Driving Licence, European Union Licence or Northern Ireland Licence ,
 - (b) One passport style photograph of applicant,
 - (c) Driving Standards Agency Taxi Test Pass Certificate,
 - (d) Completed Criminal Records Bureau Disclosure form,
 - (e) A full medical certificate in the prescribed form, issued by your own doctor,
 - (f) Appropriate fee
- 7 All applicants will be required to undergo the following tests, a reading and writing test, a multi-choice test on their knowledge of these rules and regulations and relevant parts of the Highway Code and a verbal test on routes to various locations within the district. Applicants for hackney carriage driver's licences will be required to undertake an additional street knowledge test.
- 8 On completion of the application process, the applicant will be informed of the result by letter together with any rights of appeal, should the application fail.
- 9 Applicants failing to meet the required standard in the examination/test will be allowed to re-take the tests no later than three months after the initial test and only the test fee will be charged. Outside that period a new application will be required with full licensing fee.

- 10 **DETAILS OF CONVICTIONS OR CAUTIONS FOR ANY OFFENCE WHETHER DRIVING OFFENCES (INCLUDING FIXED PENALTY NOTICES) OR ANY OTHER OFFENCE MUST BE DECLARED.** Applicants with any of the above may have their applications referred to the Licensing Manager for a final decision.

Criminal Records Bureau Checks

- 11 The applicant will be asked to detail, on the application form, any convictions which have been recorded against them.
- 12 By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions, as the 'spent' convictions provisions do not apply to these occupations. The subsequent checks to the CRB will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence.
- 13 Convictions will not necessarily debar an applicant although, if a conviction is revealed which takes the matter outside the Council's Policy on the Relevance of Convictions, the matter will be referred to the Licensing Sub Committee for a decision before any licence is issued. The convictions will be taken into account and details provided to the Licensing Sub Committee to enable them to consider the matter. All information received will remain confidential and be securely stored only as long as necessary.
- 14 Licence holders will be required to undergo Criminal Records Bureau (CRB) check every 3 years. A CRB form must be completed 3 months prior to the renewal of a licence, to allow an adequate amount of time for the return of the CRB disclosure. Failure to complete and submit the paperwork in time could result in the disclosure not getting back to the Council in time for the renewal of the licence. No licence will be issued until all the required paperwork is returned to the licensing department and all relevant fees paid

Statement of Policy Regarding Relevant Convictions

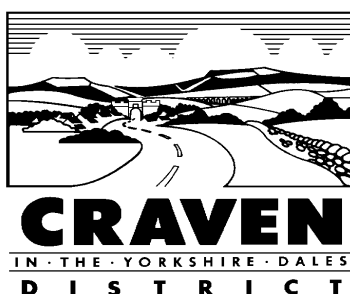
- 15 When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, individuals are requested to declare any convictions or cautions they may have. The information given will be treated in confidence and will only be taken into account in relation to the application in question.
- 16 Craven District Council, as a Licensing Authority, is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict

confidence while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and at what age it was committed and any other factors which may be relevant.

- 17 Any applicant refused a Licence on the grounds that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court.
- 18 The effect of any particular conviction on a proposed application may be discussed in confidence with the Licensing Team.
- 19 Each case will be determined on its own merits. However the overriding consideration will be the protection of the public.

IT IS AN OFFENCE FOR A PERSON TO DRIVE A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE UNLESS THEY ARE IN POSSESSION OF A CURRENT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE. IT IS AN OFFENCE FOR THE PROPRIETOR OF A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO EMPLOY ANY PERSON TO DRIVE SUCH A VEHICLE WHO IS NOT THE HOLDER OF A CURRENT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE. (Note: this also excludes family or friends from driving the vehicle, unless they hold a hackney carriage/private hire driver's licence)

2



BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Craven District Council with respect to hackney carriages in Craven District.

Interpretation

1. Throughout these byelaws "the Council" means the Craven District Council and "the district" means Craven District.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed:

2.
 - a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
 - b) A proprietor or driver of a hackney carriage shall:
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided:

3. The proprietor of a hackney carriage shall:
 - a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - b) cause the roof or covering to be kept water-tight;
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;
 - e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:
 - a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

- b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges:

5. The driver of a hackney carriage provided with a taximeter shall:
 - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;

- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages:

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

Against the kerb adjacent to the Co-operative Store in Swadford Street, Skipton and within the Waller Hill Car Park, Skipton.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares:

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the table of fares set by Craven District Council. The rate of fare being calculated by distance unless the hirer express at the commencement of the hiring, his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of fares which it may not be possible to record on the face of the taximeter:

Other Charges: Deliberate fouling of a Hackney Carriage by a passenger up to a maximum of £75

The above rates apply to all journeys within Craven District and to journeys over District boundary, unless agreed otherwise, prior to hiring

17. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof:

18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a) carry it as soon as possible and in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated

value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereafter.

The Common Seal of the

Craven District Council was

hereunto affixed this *second*

day of *October* 1986

in the presence of

Robert G Heseltine

Chairman of the Council

Alan Howell

Clerk of the Council

THE FOREGOING BYELAW IS HEREBY
CONFIRMED BY THE SECRETARY OF
STATE AND SHALL COMMENCE OPERATION
ON THE *1st* DAY OF *December* 1986

H Fawcett 26/11/86

AN ASSISTANT SECRETARY IN THE
DEPARTMENT OF TRANSPORT ON BEHALF
OF THE SECRETARY OF STATE FOR
TRANSPORT

CODE OF CONDUCT FOR

HACKNEY CARRIAGE DRIVERS

- NOTE:**
- (1) Failure to adhere to this Code may result in suspension or revocation of the licence pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976.
 - (2) This Code is equally applicable when the hackney carriage is being used for private hire purposes.

1. Identification of Driver

The licensee shall at all times when working in a licensed Hackney Carriage display in the vehicle the Hackney Carriage Driver's Identity Card (incorporating his photograph) and the words **DSA Approved**, issued by the Council in conjunction with the Hackney Carriage Driver's licence, in such a position that it can easily be seen by the hirer on entering the vehicle.

2. Conduct of Driver

The licensee shall:

- (a) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner
- (b) not without the express consent of the hirer, drink or eat in the vehicle;
- (c) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (d) at no time cause or permit the noise emitted by any radio, or other previously mentioned equipment in the vehicle being driven, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (e) Take all reasonable steps to ensure the safety of passengers conveyed in, entering, or alighting from the vehicle driven.
- (f) Afford all reasonable assistance with passenger's luggage

3. Contracts for Private Hire

Where a Hackney Carriage vehicle is hired pursuant to a telephone call to a booking office linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person or body operating the booking office, and shall not be set into operation until the hirer has commenced his journey.

4. Use of Taximeter/Table of Fares

The licensee shall ensure the taximeter is reset at the commencement of each fare and displays the correct tariff as set by the Council and shall not wilfully or negligently cause or suffer any taximeter to be concealed from public view while a vehicle is being used for the purpose of public hire.

It is an offence for any hackney carriage driver to charge more than the metered rate for journeys within the Craven District. Any driver found doing this could risk revocation of his/her drivers licence or prosecution. (*Sections 55, 56 and 58 of the Town Police Clauses Act 1847 and section 67 of the Local Government (Miscellaneous Provisions) Act 1976.*) The meter must be set at the point of pick up.

A current table of fares shall be exhibited inside the vehicle in a position which is clearly visible to passengers.

5. Written Receipts

The licensee shall if requested by the hirer provide him with a written receipt for the fare paid.

6. Passengers and Seat Belts

The driver shall not without the consent of the hirer, convey, or permit to be conveyed, any other person in a vehicle.

The driver of the vehicle is responsible for seat belt wearing by children under 14 years.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

7. Animals

- (1) The Licensee shall not convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- (2) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.

- (3) The Licensee has a responsibility to ensure that their company/employee is aware of such a condition when they are first employed.

8. Byelaws and Code of Conduct

The licensee shall at all times comply with the Hackney Carriage Byelaws, the code of conduct and these rules and regulations and shall carry a copy of them in the vehicle and make them available for inspection by the hirer or any other passenger on request.

9. Change of Address

The licensee shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

10. Convictions or Cautions

The licensee shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him during the period of the licence

11. Health

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor

12. Suspension or Revocation of Licence

The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2(a) provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2(b) provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect, it may do so, provided that the usual decision notice given to the driver states that the licence is suspended, or revoked immediately and explains why.

13. Return of Licence

In the event of the suspension, or revocation of a licence, the licensee shall forthwith, upon receiving written notice, return the licence, the Driver's Identity Card and any Badge which may have been issued to him/her to the Licensing office. Any such Card and Badge shall likewise be returned on the expiry of a licence which has not been renewed.

14. Production of Driving Licence and insurance

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his/her current DVLA Driving Licence and insurance certificate for inspection

15. Variation of Code

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this code of conduct.

CODE OF CONDUCT FOR

PRIVATE HIRE DRIVERS

1. Identification of Driver

The licensee shall at all times when working as a licensed Private Hire Driver display in the vehicle their Identity Card (incorporating his/her photograph) and the words **DSA Approved**, issued by the Council in conjunction with this licence, in such a position that it can easily be seen by the hirer on entering the vehicle.

2. Conduct of Driver

The driver shall:

- (a) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner
- (b) not without the express consent of the hirer drink, or eat in the vehicle.
- (c) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle

- (e) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- (f) afford all reasonable assistance with passengers' luggage.

3. Passengers and Seat Belts

The driver shall not without the consent of the hirer, convey, or permit to be conveyed, any other person in a vehicle.

The driver of the vehicle is responsible for seat belt wearing by children under 14 years.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

4. Lost Property

- (a) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver it should if reasonably practicable be returned to the owner within 24 hours, or if not practicable, handed in at the nearest police station within 24 hours.

5 Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

6 Animals

- a) The Licensee shall not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- b) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.
- c) The Licensee has a responsibility to ensure that their company/employee is aware of such a condition when they are first employed.

7 Prompt Attendance

The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

8 Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

9 Change of Address

The driver shall notify the Licensing Office in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

10 Convictions and Cautions

The driver shall within seven days disclose to the Licensing Office in writing details of any conviction or caution imposed on him during the period of the licence.

11 Health

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES. Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

12 Suspension/Revocation

The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2a provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2b provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

13 Return of Badge

In the event of the suspension, or revocation of a licence, the licensee shall forthwith, upon receiving written notice, return the licence, the Driver's Identity Card and any Badge which may have been issued to him/her to the Licensing office. Any such Card and Badge shall likewise be returned on the expiry of a licence which has not been renewed.

14 Production of Driving Licence & Insurance

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance certificate for inspection

15 Variation of Code

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this code of conduct

Guidance Notes for Applicants for Hackney Carriage & Private Hire Vehicle Licences

- 1) Application forms for Hackney Carriage and Private Hire Vehicles Licenses can be obtained from the Licensing Office, Council Offices, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. Completed application forms must be submitted in person to the Licensing Office accompanied by the relevant documentation and licensing fee.
- 2) Vehicles cannot be licensed for both Public Hire (Hackney) and Private Hire.
- 3) Vehicles which are licensed by another local authority will not be licensed by this (Craven District Council) authority
- 4) **An applicant who is not already a licensed driver with this authority will be subject to a Criminal Records Bureau Disclosure and must sign a statutory declaration of any convictions.**

- 5) You must declare all criminal offences, convictions and cautions, even if you consider them to be spent or write the word 'NONE' on the application form. When completing the application form, continue on an additional information sheet if necessary
- 6) Applicants must also declare all valid endorsements which appear on their Driver's Licence.
- 7) **Declaration of Spent and Unspent Convictions** By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions, as **the 'spent' convictions provisions do not apply to these occupations.** The subsequent checks to the CRB will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence.
- 8) Convictions will not necessarily debar an applicant although, if a conviction is revealed which takes the matter outside the Council's Policy on the Relevance of Convictions, the matter will be referred to the Licensing Sub Committee for a decision before any licence is issued. The convictions will be taken into account and details provided to the Licensing Sub Committee to enable them to consider the matter. All information received will remain confidential and be securely stored only as long as necessary.

Age of Vehicles

- 9) Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Craven District.
- 10) Private Hire vehicles licensed for school contracts only may be licensed until they reach 10 years of age.
- 11) Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. purpose built taxis e.g. London Black Cab or limousines such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Officer.

Vehicle testing

- 12) Before a vehicle will be licensed by the authority it must undergo and pass a vehicle examination/test arranged by the Licensing Department at the authority's nominated testing station, Craven District Council Garage, Engine Shed Lane, Skipton. The vehicle must also have a current M.O.T. test certificate. This applies in the case of Hackney Carriage vehicle applications to vehicles over 12 months

old and Private Hire vehicle applications to vehicles over 3 years old. The M.O.T. test can be carried out at the authority's nominated testing station, if required.

- 13) When a car already licensed by this authority reaches **6 years of age** it will be required to pass an authority vehicle examination test every **6 months** and will only be issued with a 6 month plate, until it reaches the **10 year age limit**.

Private hire operators

- 14) Applicants for private hire vehicle licences must obtain a private hire operator's licence or demonstrate that they are working under another person's operator's licence. (Note The operator must demonstrate that the operating premises has planning consent from the authority's Planning Department, before they can be issued with an operator's licence)

Documentation

- 15) When submitting applications for Hackney Carriage/Private Hire vehicle licenses, the application should be accompanied by the following documentation: -
- a) Registration document in name of applicant
 - b) Current M.O.T. certificate (if applicable)
 - c) Current certificate of insurance. (Photocopies and faxes not acceptable)
 - d) Authority test certificate
 - e) Appropriate fee
- 16) **Insurance policies** – the minimum accepted cover is for six months if it is a new certificate. If a valid insurance certificate is not produced at the time of licence renewal, or when requested by the Licensing Section, the vehicle licence will be immediately suspended to ensure public safety

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS OF LICENCE

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements, including those contained in The Road Vehicles (Construction & Use) Regulations 1986 (as amended) shall be fully complied with.

2. Taximeter

The taximeter provided in the vehicle must be tested, approved and sealed by the Council and must display only the tariff or tariffs to be charged at the relevant time as contained in the table of fares fixed by the Craven District Council.

3. Access for Passengers

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats.

4. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

6. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to passengers conveyed therein, the licence number and the number of passengers prescribed in the licence.

7. Display of Licence Plates and Doors Signs

The licence plate provided by the Council shall be affixed by permanent means to the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate.

Door signs provided by the Council shall be displayed on the front doors of the vehicle, showing the licence number of the vehicle, the Council logo and the words Hackney Carriage.

The licence plate and door signs are the property of the Council, to whom they must be returned within seven days if the licence is suspended, revoked or not renewed for any reason.

8. Signs Notices etc

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including

byelaws) or required or permitted by these conditions, provided however, that this condition shall not apply:

- (1) to any indication on a taxi meter fitted to the vehicle, or
- (2) to a properly constructed roof sign complying with the following conditions:
 - (a) the sign is not more than 7" in height;
 - (b) it is displayed across the width of the car (not diagonally) and does not extend beyond the edge of the roof;
 - (c) it displays only the name and/or telephone number of the proprietor of the vehicle or firm by which the proprietor is employed, or the word 'Taxi' or
- (3) to a sign which:
 - (a) is displayed in, on or from the vehicle while it is stationary;
 - (b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on this business and its address and, in either case, the name of a passenger or passengers to be carried in the vehicle; and
 - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- (4) to advertisements, which are not of a political, racial, sexual or offensive nature, may be displayed on either or both of the front passenger or driver's doors. The final decision on the suitability of such advertisements lies with the Licensing Manager.

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected (this is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown).

9. Convictions and Cautions

The proprietor shall within seven days disclose to the Licensing Office in writing details of any conviction or caution imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

10 Hackney Carriage Stands

The stands prescribed in the byelaws have been extended and now include the following list

- Swadford Street (south side) within the marked area from the existing zig zag pedestrian crossing restrictions to the west end of the Co-operative store.

- Swadford Street (north side) within the marked area from the end of the existing zig zag pedestrian crossing restrictions west for a distance of 29 metres (11pm – 4am)
- Sackville Street (South) from a point 32.5 metres from the east side entrance of Bowers Wharf south eastwards for a distance of 11.0 metres.
- Within the marked area at Hall Street Car Park, Crosshills

11 Council Bus Station and Car Parks

Hackney Carriages shall not be permitted to stand or ply for hire or be available for hire in or from any car park or bus station owned by or under the control of the Craven District Council. Provided that nothing in this condition shall:

- (a) preclude the vehicle from being parked in a car park when the vehicle is not available for hire;
- (b) preclude the vehicle from standing or plying for hire or being available for hire from any hackney carriage stand appointed by the Craven District Council and situated on a car park or bus station;
- (c) preclude the vehicle from stopping at a stopping place as defined by Section 137 of the Transport Act, 1985 when being used to provide a local service under the provisions of Sections 2 and 12 of the Transport Act, 1985;
- (d) preclude the vehicle from operating on a shared hire car service financially supported by a local authority.
- (e) preclude the vehicle from standing or plying for hire or being available for hire in Skipton Bus Station or in the Waller Hill Car Park, Skipton during such hours (if any) as are shown on notices displayed by the Council at those locations from time to time.
- (f) Hackney carriage vehicles should not cause an obstruction in Craven District Council Car Parks. If the rank is full the driver must proceed to another rank immediately.
- (g) The number of vehicles stationed at any rank must not exceed the number permitted.

12 Change of Vehicle Owner

If a proprietor transfers his/her interest in a vehicle to somebody else he/she must immediately give notice of the transfer in writing to the licensing section, giving the name and address of the transferee. In no circumstances may the vehicle be used by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fee paid. (Local Government (Miscellaneous Provisions) Act 1976, s 49)

13 Accidents

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement

vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

14. Tinted glass

All vehicles licensed shall comply with the Road Vehicles (Construction & Use) Regulations 1986 in relation to tinted windows.

The front windscreen of the vehicle shall allow the transmission of at least 75% of light.

All other windows of the vehicle shall allow the transmission of at least 70% of light

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF LICENCE

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in The Road Vehicles (Construction & Use) Regulations 1986 (as amended) shall be fully complied with.

2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

3. Identification Plate

The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable.

4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and the number of passengers prescribed in the licence.

5. Access for Passengers

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats.

6. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

7. Signs, Notices etc

- (1) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to a sign which:
 - (a) is displayed in on or from the vehicle while it is stationary;
 - (b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and its address and, in either case, the name of a passenger or passengers to be carried in the vehicle; and
 - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- (2) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (3) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.
- (4) Advertisements, which are not of a political, racial, sexual or offensive nature, may be displayed on either or both of the front passenger or driver's doors. The final decision on the suitability of such advertisements lies with the Licensing Manager.
- (5) Roof signs are not permitted on private hire vehicles

8 Change of Address

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

9 Convictions and Cautions

The proprietor shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her, or if the proprietor is a company or partnership, on any of the directors or partners, during the period of the licence.

10 Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

11 School Contract Conditions

These vehicles shall not be used as a private hire vehicle other than in the course of transporting children to and from school under the terms of a private hire contract between the operator of the vehicle and North Yorkshire County Council.

12 Accidents

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

13 Tinted Glass

All vehicles licensed shall comply with the Road Vehicles (Construction & Use) Regulations 1986 in relation to tinted windows.

The front windscreen of the vehicle shall allow the transmission of at least 75% of light.

All other windows of the vehicle shall allow the transmission of at least 70% of light

Guidance Notes for Applicants for Private Hire Operators Licences

- 1 Application forms for operators' licences can be obtained from the Licensing Office, Council Offices, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. Completed application forms must be submitted to the Licensing Office at this address accompanied by planning permission and licensing fee.
- 2 An applicant who intends to operate private hire vehicles from premises must obtain planning permission before any licence can be issued.
- 3 An applicant wishing to operate a private hire vehicle from domestic premises will require planning permission from the authority's Planning Department before undertaking such an activity and before any licence can be issued.
- 4 Applicants for private hire operators' licences cannot use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.
- 5 An applicant who is not already a licensed driver with this authority will be subject to a Criminal Records Bureau Disclosure.

Declaration of Spent and Unspent Convictions

- 6 By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions, as the 'spent' convictions provisions do not apply to these occupations. The subsequent checks to the CRB will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence.
- 7 Convictions will not necessarily debar an applicant although, if a conviction is revealed which takes the matter outside the Council's Policy on the Relevance of Convictions, the matter will be referred to the Licensing Sub Committee for a decision before any licence is issued. The convictions will be taken into account and details provided to the Licensing Sub Committee to enable them to consider the matter. All information received will remain confidential and be securely stored only as long as necessary.
- 8 You must declare all criminal offences, convictions and cautions, even if you consider them to be spent or write the word 'NONE' on the application form. When completing the application form, continue on an additional information sheet if necessary.

- 9 Applicants must also declare all valid endorsements which appear on their Driver's Licence.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE OPERATORS' LICENCE

CONDITIONS OF LICENCE

1. Records

- (1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
 - (a) The time and date of the booking.
 - (b) The name and address of the hirer.
 - (c) How the booking was made (i.e. by telephone, personal call etc.).
 - (d) The time of pick-up.
 - (e) The point of pick-up.
 - (f) The destination.
 - (g) The time at which a driver was allocated to the booking.
 - (h) The registration number of the vehicle allocated for the booking.
 - (i) Remarks (including details of any sub-contract).
- (2) The operator shall also keep records of the particulars of all private hire vehicles operated by him. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- (3) All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

2. Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. Change of Address

The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

4. Convictions and Cautions

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

5. School Contract Conditions:

This licence permits the operator to operate school contract vehicles over the age of 8 years and up to 10 years as private hire vehicles for transporting children to and from school under the terms of a private hire contract with North Yorkshire County Council. The operator shall produce to the licensing authority within 48 hours of being asked to do so, such documentary evidence of the contract as shall be requested.

Smoking Ban

In accordance with smoke free legislation which came into force on the 1st July 2007

- 1) Smoking is not permitted within the booking office and waiting room
- 2) It is illegal for drivers or passengers to smoke in any Hackney Carriage or Private Hire Vehicle at any time.
- 3) A no smoking sign shall be displayed in a prominent position in all vehicles, booking offices and waiting rooms.

Dear Licensing team/Licensing Manager

As I am sure you are aware I have been a licensed hackney carriage driver in Craven District since the dawn of time, to be factual it was 1991. During the last twenty five years I have abided by the rules and regulations for Hackney Carriage and Private Hire Licensing to the letter. Recently we , as a company, decided to place an advert on our two front doors as it is allowed by the Hackney Carriage and Private Hire Licensing rules and regulations (extract from the rules and regulations).

- (4) to advertisements, which are not of a political, racial, sexual or offensive nature, may be displayed on either or both of the front passenger or driver's doors. The final decision on the suitability of such advertisements lies with the Licensing Manager.

As the advert is not of a political, racial, sexual or offensive nature we thought we would not require the licensing manager's decision, WRONG!



Therefore I am writing this letter to gain the licensing managers approval to display my advert (above) on my hackney carriage vehicle. Personally I think needing permission to display the flag of the country we live is not right and also disrespectful to the people that work for our company who have served in the armed forces. We all should take pride in the country we live in, not be made to feel that being patriotic is something to be ashamed of. Many other businesses and buildings fly the union flag in the craven district including the town hall, hotels, churches with no need for approval from the council.

I am hoping to hear from you within the next seven days, after this time I will assume my advert has been approved and place it back where it belongs.

Yours sincerely

John Pickering
Dalesman Central Taxis Ltd

Policy in relation to the Branding of Licensed Hackney Carriage or Private Hire Businesses on Licensed Vehicles

In order that branding of licensed Hackney Carriage or Private Hire businesses on licensed vehicles are of a standard type, the following conditions shall apply:-

(a) That company branding on a licensed vehicle may only be allowed if:-

- The branding is displayed on the rear passenger doors of the vehicle only and shall be the same size as the existing Hackney Carriage or Private Hire door signs issued by the Licensing Authority, or will cover a similar area if different in shape; or
- The branding of the vehicle is done by way of a professional wrap of the vehicle which does not detract from the ability of customers to be able to identify the vehicle as either a licensed Hackney Carriage or Private Hire Vehicle and that those signs and plates issued by the Licensing Authority are clearly visible.

(d) That no branding should promote tobacco or alcohol products;

(e) That no branding shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;

(f) That no branding shall be displayed without the written approval of the Licensing Manager;

(f) In the case of Private Hire Vehicles, the proposed branding of the company is to be submitted for approval by the licensed operator not individual vehicle owners;

(g) In the case of Hackney Carriage Vehicle proprietors the proposed branding of the company is to be submitted for approval either by the individual Hackney Carriage Proprietor – if they operate as a trading name in their own right, or:-

If a number of Hackney Carriage proprietors work together collectively as a company from a Booking Office then the request can be made from an individual from that company who is designated in writing and is evidenced as formally the company owner or manager responsible for the day to day running of the business.

(h) That the licensed operator / hackney carriage proprietor submitting a request for any branding approval shall submit a written request as well as copies of any designs of any proposed signs/wrapping to the Licensing Manager for consideration.

(i) In the case of any existing licence holder who has branding on their vehicle which has been professionally wrapped or attached to their vehicle which does not comply with the above requirements or conditions attached to their licence can

make a formal request in writing to the Licensing Manager seeking approval to continue to use such branding until such time as their vehicle is replaced.

If an applicant is aggrieved by the decision of the Licensing Manager to give permission for the branding then they can appeal to the Licensing and Appeals Sub Committee in the first instance.



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 'other 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 other 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.

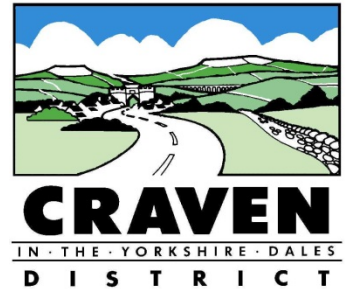
9. Persons behaving in a disruptive manner

- 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).



Licensing and Appeals Sub-Committee

24th June 2019

Licensing Act 2003

**Application for Grant of Premises Licence, 9-11 Court Lane, Skipton, North Yorkshire,
BD23 1DD**

Ward(s) affected: Skipton North

Report of Tim Chadwick, Licensing Manager

1. Purpose of Report– To consider an application by Simon Greaves for the Grant of a premises licence under the Licensing Act 2003 for Ref & Whistle, 9-11 Court Lane, Skipton BD23 1DD.

2. Recommendation

Members are requested to determine this application with a view to promoting the following licensing objectives under the Licensing Act 2003, namely -:

- Prevention of Crime and Disorder
- Promotion of 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 licence as applied for
 - i. subject to conditions consistent with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - ii. any condition which must under section 19, 20 or 21 of the Licensing Act 2003 (mandatory conditions) in relation to the supply of alcohol, exhibition of films and door supervision to be included in the licence;
- b. to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c. to refuse to specify the requested person in the licence as the Designated Premises Supervisor;
- d. to reject the application.

3. Background

3.1 On 7th November 2018 the Licensing Authority received an application for the **GRANT** of a premises licence (‘the Application’) for premises known as Ref & Whistle located at 9-11 Court Lane, Skipton (‘the Premise’).

3.2 When the application for the Premises Licence was made to the Licensing Department, the hours did not match those specified in the planning application that was submitted for change of use of the premises.

3.3 Due to the volume of objections that had been made regarding the planning application for the change of use, and owing to the inconsistency between the planning application and the application for a premise licence, Mr Greaves (‘the Applicant’) was advised that it may be best to place on hold his application for the Premises Licence until such a time the planning decision had been determined.

3.4 The planning application to change the use of the premises was initially submitted on 14th September 2018. Planning permission was granted for the change use from retail to a bar on 19th February 2019. This decision is attached at Appendix A. An agreed Management Plan (in respect of noise) was submitted by the Applicant and subsequently imposed as a condition on the planning permission see Appendix B.

3.5 During the planning application process, the decision was made to remove any condition regarding the times that the premise could be operated – on the basis that they would be controlled wholly by the Premises Licence issued under the Licensing Act 2003.

3.6 With the planning permission in place, the Applicant resubmitted his application for the Premises Licence. The application was in fact resubmitted a couple of times, due to failures to correctly comply with requirements regarding the advertisement of the application (due to clerical errors made by the Applicant).

4. Application

The Premises Licence application, along with plan of the Premise are attached at Appendix C.

5. Consultation

The Application has been served on all the responsible authorities and the blue notice displayed on site and published in the local newspaper. There was an inconsistency with the advertisement with the additional hour for New Year Day not included on the Blue notice but included on the Newspaper advert. As a result, this is to be removed from the application by agreement with the Applicant.

A number of objections have been received which are attached at Appendices D to S. The relevant objections made focus wholly upon one licensing objective, namely the: Prevention of Public Nuisance. This is due to the proximity of the premise to residential property See Appendix H & Appendix E Page 7 & 8, which highlights the close proximity of the property to the residential flats. The issues raised mainly relate to noise with concerns around patrons

leaving the premise and standing outside the property and the removal of waste from the property.

A number of objections raise concerns with the planning determination. These concerns fall outside of the Licensing Act 2003 however have been passed on to the appropriate departments within The Authority.

Objections have been received that also draw comparisons to other establishments that are also regarded as 'Micro-bars'. Currently in Skipton there is approximately 4 licensed premises that are regarded as 'Micro-Bars' which have varying terminal trading hours for Retail Sale of Alcohol;

- The Sound Bar – 0000hrs
- Beer Engine – 2300hrs
- Boat House – 0200hrs
- Early Doors – 2100hrs
- The Old Fire Station – 0000hrs – Granted not operating yet
- New Market Traven – 2100rs – Granted Not operating yet

Members will be aware that the permitted hours of other premises should not set a precedent. Each application must be treated on its own merits. These details are provided for information due to the references to hours made in the objections.

North Yorkshire Police corresponded with The Applicant who agreed to the operating schedule being amended to include additional conditions around the Prevention of Crime and Disorder licensing objective. These are attached at Appendix T. The Applicant and Police agree that they should be attached as conditions should a licence be granted. These conditions which The Applicant has agreed to, address some of the points raised in objections regarding The Applicants proposed conditions regarding CCTV and Staff training.

Due to the need for a hearing to take place to determine the premises licence application, the applicant has submitted Temporary Event Notices so that the business can open in the interim period. The applicant has notified the authority of 6 events that have taken place over 6 weekends, operating 1200-0000hrs for the retail sale of alcohol for consumption ON & OFF the premise. No complaints have been received as a result of the use of any Temporary Event Notice.

On the 10th May 2019 Environmental Health conducted some noise monitoring from a flat situated in Providence Quarter. The exercise was unable to determine if noise would be an issue. Email from Andrew Dent Senior Environmental Health Officer is attached at Appendix U.

No other representations have been received from any of the other Responsible Authorities.

As previously indicated, relevant representations received (and not withdrawn) are wholly based on the Prevention of Public Nuisance Licensing Objective.

6. Summary of Key Points

The applicant has applied for the following:-

Sale by Retail of Alcohol (for consumption both on and off the premises)

Monday to Sunday 11:00 to 00.00

Late Night Refreshment

Monday to Sunday 23:00 to 00.00

Opening Hours of Premises

Monday to Sunday 11:00 to 00.30 the following morning

7. Steps to Promote the Licensing Objectives

The Applicant has applied for the Grant of a Premise Licence and has completed the operating schedule; this is attached at Appendix C along with the application form & Management Plan Appendix B, as well as agreeing to the conditions proposed by North Yorkshire Police attached at Appendix T.

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:

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

- 9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide

that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. [Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10.] The licensing authority is expected to come to its determination based on an assessment of the evidence

Members are invited to consider all relevant parts of the s182 Guidance. 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, on the particular merits thereof.

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

- The representations made by interested parties and responsible authorities;
- The submissions made by, or on behalf of, the applicant;
- The relevant licensing objectives, namely Prevention of Crime and Disorder (owing to the observations from North Yorkshire Police on the proposed operating schedule) and the Prevention of Public Nuisance
- The Licensing Act 2003, relevant regulations issued under the Licensing Act 2003, section 182 Guidance issued by the Secretary of State and the Council's Statement of Licensing Policy (August 2016).

10. Implications

10.1 Financial Implications – There may be a financial cost to the Council in the event that it should have to defend any decision made during the course of any appeal made to the Magistrates Court.

10.2 Legal Implications: If Members decide to refuse the application, or attach conditions to the premises licence which the applicant does not agree to, 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 Context and Implications

Craven District Council's Licensing Policy

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

The Policy Statement is designed to deal with matters within the control of the Licensee and

is centred on the premises at which the business is carried on and the effect that the operating of that business has on the vicinity.

Every application considered by the Council under the terms of this policy, will be considered on its own merits and regard will be given to guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act 2003 generally and any supporting regulations. Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. health and safety at work and fire safety legislation).

Conditions will be drawn from the list contained within Craven District Council Licensing Act 2003 Policy. The list is not exclusive and may be varied from time to time as considered necessary.

When considering what conditions, if any, will be attached to licences there will be openness, transparency and reasonableness. Officers will seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving an agreement whilst fulfilling the licensing objectives.

Licence conditions are a key method of achieving the Licensing Act objectives and give clear goals and standards to licensees and persons who may wish to make relevant representations.

The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act and any terms and conditions attached to licences will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Licensing is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

It should be noted that Licensing is only one means of addressing the problems that may arise from the activities carried on at licensed premises. Other mechanisms include:

- Planning controls
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas;
- Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise;
- Prosecution of personal licence holders who sell alcohol to people who are drunk;
- Powers of the Police, responsible authorities or a local resident or business to seek a review of a licence or premises certificate.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- Provision of CCTV surveillance in town centres, ample taxi ranks,
- Provision of public conveniences open late at night, street cleaning and Litter Patrols;
- Police enforcement of the general law concerning disorder and anti-social Behaviour, including the issuing of fixed penalty notices;

The licensing policy also states;

Balancing interests; The Licensing Authority recognises the rights of businesses to operate their premises without unnecessary restraint. However, this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Planning Permission; It is important to note that licensing and planning are separate systems of regulatory control. Licensing Committees are not bound by decisions made by the Planning Committee and vice versa.

A Premise needs both a valid planning permission and a valid Premises Licence issued under the Licensing Act 2003 to operate lawfully.

Anti-Social Behaviour

The Anti-Social Behaviour Act 2003 is designed to provide Local Authorities and the Police with a wider and more flexible range of powers in meeting existing responsibilities and to respond to the needs of their communities. The Act provides new powers and sanctions to deal with serious anti-social behaviour including the immediate closure of licensed premises causing a public noise nuisance.

Crime Prevention Strategies

Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under section 17 of the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Council the practical steps that will be taken to further this objective.

Door-staff have received increasing praise for their actions in reducing crime and disorder and helping the police with their investigations. The Council therefore sees door-staff as key players in crime and disorder control.

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

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

The Licensing Policy states - that Council will consider the following with regard to a licence application:

- *Increasing outside lighting levels*
- *Use of CCTV both within and outside the premises*

- *Search facilities*
- *Procedures for risk-assessing promotions and events such as "happy hours" for the potential to cause problems of crime and disorder, and plans for minimising such risks*
- *Measures to prevent the use or supply of illegal drugs*
- *Employment of licensed door supervisors and other appropriately trained staff*
- *Participation in an appropriate Watch Scheme (such as S.T.A.N.D.) or other body designed to ensure effective liaison with the local community and statutory bodies.*
- *Steps taken to prevent underage drinking in licensed premises or supply of alcohol intended to be consumed by underage persons off the premises.*
- *Banned from one, banned from all" schemes operated by and for licensees are recognised by the Council as a highly successful tool in reducing crime and disorder on premises. The Council views participation in such schemes as by no means compulsory but any application will be strengthened by active participation*
- *Any application involving late night take-away food should be accompanied by a crowd management plan. The plan should demonstrate steps to be taken to avoid build-up of queues and to reduce the likelihood of disorder or violence. The Council views ineffective management of crowds as a key reason to refuse an application involving late night take- away food.*

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

Statutory Nuisance

The Environmental Protection Act 1990 places a duty on Local Authorities to investigate complaints of nuisance, which include noise and take appropriate enforcement action where a statutory nuisance exists.

Closure of Premises

The Licensing Act provides the power for the Police to close licensing premises (temporarily) to prevent nuisance to the public as a result of noise from the premises. Joint working protocols between Environmental Health Officers, Police and licensing staff will ensure that these control measures are properly used to protect the local environment. It should be noted that the power available to deal with noise nuisance will be extended by the Anti-Social Behaviour Act 2003.

Licensing Conditions

The Council will impose conditions in relation to licensed premises to prevent unnecessary noise and disturbance to local residents, as it considers appropriate. This may include restrictions on time when music or other licensable activities may take place. We may impose technical restrictions and permissible levels of sound at premises. Conditions may also be imposed requiring licensees to display signs at all exits from premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

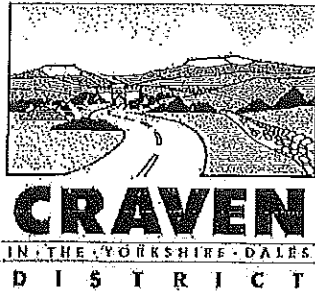
- 11. Consultations with Others** – With Responsible Authorities and Interested Parties including Local Councillors

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

- 13. Author of the Report**– Tim Chadwick, Licensing Manager, telephone 01756 746251, email tchadwick@cravendc.gov.uk

- 14. Appendices –**
 - Appendix A**– Decision Notice
 - Appendix B**– Management Plan
 - Appendix C** – Premises Licence Application
 - Appendix D** – Alan Emms Objection
 - Appendix E** - Stephen Burrow Objection
 - Appendix F** – Peter Carruthers/ Providence Quarter Management Company Objection
 - Appendix G** – Paul & Pamela Objection
 - Appendix H** – Paul & Pamela Photo
 - Appendix I** - Roger & Janet Beck Objection
 - Appendix J** - J.A & M.S Catling Objection
 - Appendix K** - Mrs A.F Fattorini Objection
 - Appendix L** - CLLR John Dawson Objection

 - Appendix M** - Tony & Pauline Colgrave Objection
 - Appendix N** - Bill Holmes Objection
 - Appendix O** - Richard Hayes Objection
 - Appendix P** - Rosemary Hothersall Objection
 - Appendix Q** - Anne Lawther Objection
 - Appendix R** - S P Rayner Objection
 - Appendix S** - CLLR Norland Objection
 - Appendix T** - Additional conditions agreed by North Yorkshire Police in the Operating Schedule
 - Appendix U** - Environmental Health Monitoring



Development Management

Craven District Council

1 Belle Vue Square

Broughton Road

SKIPTON

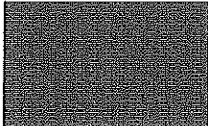
North Yorkshire

BD23 1FJ

(Main Switchboard) Telephone: 01756 700600

Email: planning@cravendc.gov.uk

Mr Simon Greaves



PLANNING PERMISSION

Town and Country Planning Act 1990

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

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

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

Time Limit for Commencement

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

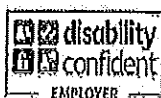
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

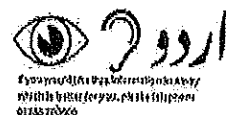
- 2 This permission relates to the following plans:

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

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



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



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

Before you Commence Development

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

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

Before the Development is Occupied

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

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

Ongoing Conditions

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

Reason: To protect pedestrians and other highway users.

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

Reason: To protect pedestrians and other highway users.

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

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

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

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

Standard Note(s) to Applicant:

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

3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact Craven District Council Development Management for clarification prior to the commencement of any works.
4. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a fee. A fee of £34 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car parking, etc., and £116 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at www.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. Please note this application is for a change of use only and this permission does not allow for any alterations to the premises that may require separate planning permission. External alterations to the frontage of the premises, which is located within the Skipton Conservation Area, are likely to require planning permission.
6. The applicant should note that any conditions attached to a licensing application submitted to allow the change of use hereby approved to operate, must be complied with in tandem to conditions provided within this decision.
7. Statement of Positive Engagement:

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



Neville Watson
Planning Manager
(Development Management)

GENERAL DEVELOPMENT PROCEDURE ORDER 2015
TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

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

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

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

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

Tel: 0303 444 5000

Email: enquiries@planning-inspectorate.gsi.gov.uk

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.

NOISE MANAGEMENT PLAN

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

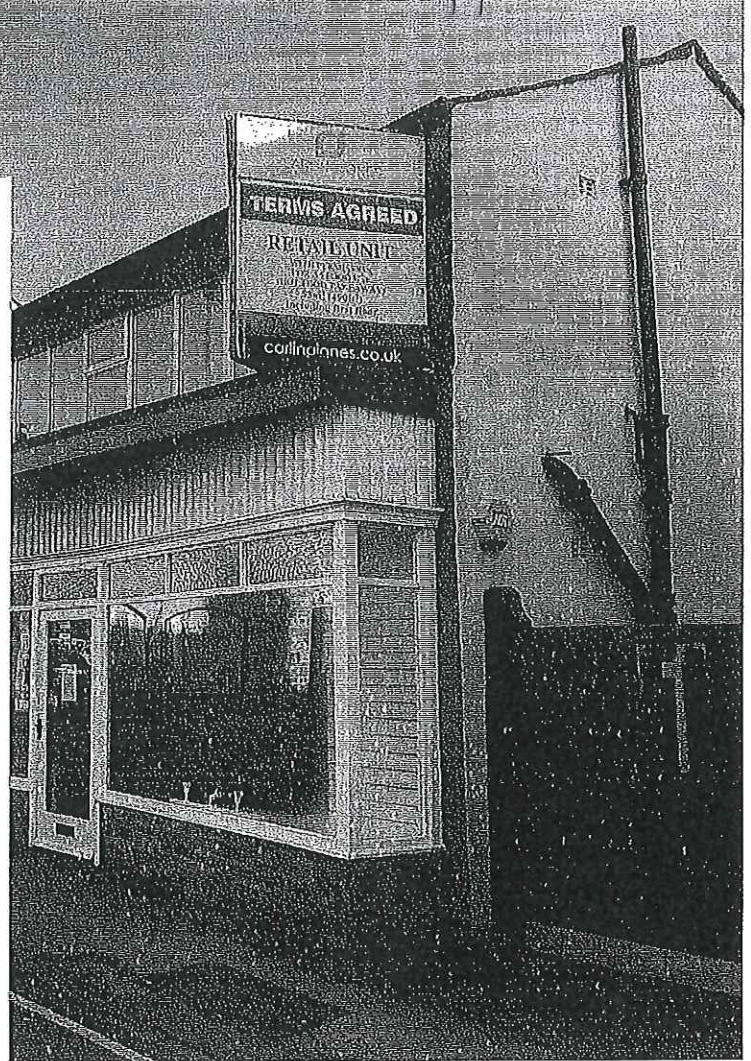
Site address: 9 - 11 Court Lane, Skipton, BD23 1DD

Client: Mr Simon Greaves

Date: 15 January 2019

Revision: 1

Prepared by: William Cartwright BA(Hons)
DipTRP MRTPI



HPD

Heritage Planning Design Ltd

82 Park Road, Bingley, BD16 4EJ

heritageplanningdesign.co.uk

INTRODUCTION

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

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

NOISE SOURCES & PROPOSED MITIGATION

Deliveries

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

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

Waste Management & Disposal

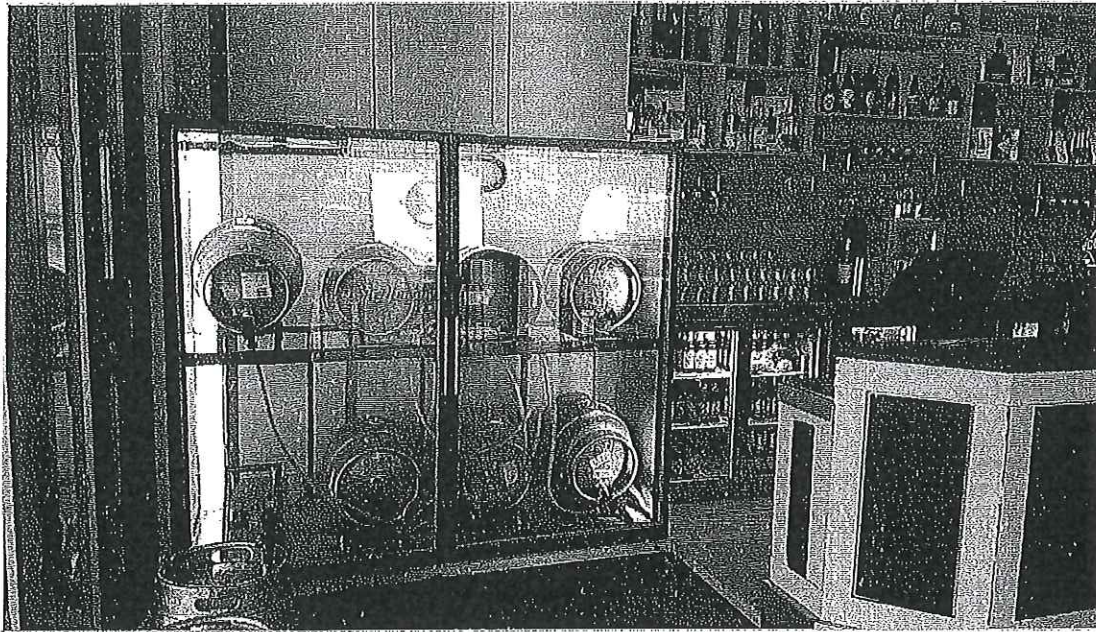
4. Only limited amounts of waste and recycling will be generated by the microbar with most drinks being stored in casks and kegs that are reused. The waste and recycling that is generated will be stored internally and collected by Craven District Council or removed by the Applicant under licence daily.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

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

Cooling & Refrigeration

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

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



Smoking Outside

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

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

Drinking Outside

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

Music

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

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

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

Drunkenness

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

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

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

Adjacent Uses

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

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

APPENDIX 1 – NOISE LEVEL CHART

Home

Examples of noise

How it affects you

SOLUTIONS!

Ear plugs, ear muffs

White noise

Noise cancellation

Soundproofing

Quieter products

More ideas ...

Facts & figures

Fun & function

Mail from readers

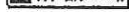
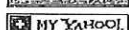
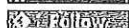
Latest site updates

Site map

About this site

Contact me

☒ Subscribe to Noise
Help site updates



Noise Level Chart

Like 389

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

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

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

Noise Chart

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

Learn more:

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

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



Jump to:

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

Search the site:

Search this site

search tips

site search by freefind

Stay in touch:

Follow @NoiseHelp

on Twitter!

Affiliate Disclosure:

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

Sarinne Fox

Creator and author of noisehelp.com

This website is powered by [SRII](#).

Application for a premises licence to be granted 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/WeSIMON GREAVES (insert name(s) of applicant)
 apply for a premises licence under section 17 of the Licensing Act 2003 for the premises
 described in Part 1 below (the premises) and I/we are making this application to you as the
 relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
THE REF & WHISTLE 9 – 11 COURT LANE	
Post town SKIPTON	Post code BD23 1DD

Telephone number of premises (if any)

Non domestic rateable value of premises

£7500

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a
 - o statutory function or ☐
 - o a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) _____

Surname

First names

GREAVES

SIMON JONATHAN

Please tick yes

Date of Birth

I am 18 years old or over

☒

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev) _____

Surname

First names

Please tick yes

Date of Birth

I am 18 years old or over

☐

Nationality

Current postal
address if different
from premises
address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	

AS SOON AS POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note 1)

MICRO BAR

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ☒ yes

Provision of regulated entertainment

- a) plays (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) performance 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)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

<input checked="" type="checkbox"/>

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

<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for performing play (please read guidance note 5)	
Thur				
Fri				
Sat			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 6)	
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur				
Fri				
Sat			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 6)	
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
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 6)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)		
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 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)		
Fri					
Sat					
Sun					
			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 6)		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Fri					
Sat					
Sun					
			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 6)		

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
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 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
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 5)		
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 6)		
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23:00	00:00			
Tue	23:00	00:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	23:00	00:00			
Thur	23:00	00:00			
			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 6)		
Fri	23:00	00:00			
			AN ADDITIONAL HOUR (TO 01:00) EACH NEW YEARS EVE / NEW YEARS DAY.		
Sat	23:00	00:00			
Sun	23:00	00:00			

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 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
			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 6)		
Thur	11:00	00:00			
			AN ADDITIONAL HOUR (TO 01:00) EACH NEW YEARS EVE / NEW YEARS DAY.		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (please see declaration about the entitlement to work in the checklist at the end of the form)

Name

SIMON JONATHAN GREAVES

Address



Postcode



Personal licence number (if known)

BD/PER3623

Issuing licensing authority (if known)

BRADFORD

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 9)

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	00:30	<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 6)</p> <p>AN ADDITIONAL HOUR (TO 01:30) EACH NEW YEARS EVE / NEW YEARS DAY.</p>
Tue	11:00	00:30	
Wed	11:00	00:30	
Thur	11:00	00:30	
Fri	11:00	00:30	
Sat	11:00	00:30	
Sun	11:00	00:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

b) The prevention of crime and disorder

A CCTV system will be operated and maintained at the Premises.
Images captured by the CCTV system will be stored for a minimum of 28 days.
Images captured by the CCTV system will be made available to the Police upon reasonable request.
A representative of the Premises will attend local Pubwatch meetings in the event that such a scheme or association is in existence.

c) Public safety

An incident book and refusal log will be kept and maintained at the Premises.
Staff at the Premises will receive training regarding emergency and safety procedures.
First aid supplies will be stored on the Premises and available for use.

d) The prevention of public nuisance

Local taxi numbers will be displayed at the Premises.
An incident book and refusal log will be kept and maintained at the Premises.
Notices will be displayed at the Premises requesting that customers leave quietly.
Litter bins will be provided internally at the Premises.
All drinks sold for "off-sales" will be sold in sealed containers.
No drinks, other than those in sealed containers for "off-sales", are to be taken off the Premises.

e) The protection of children from harm

A Challenge 21 Policy will be implemented at the Premises.
Children will not be permitted to remain on the Premises after 8pm each day.

Checklist

Please tick to indicate agreement

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where Applicable ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships


- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15) ☒

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 16 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

Declaration	<p>Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership</p> <ul style="list-style-type: none"> • I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).
Signature	
Date	1 MAY 2019
Capacity	SOLICITORS FOR THE APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent, (please read guidance note 13). 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 14)	
EDWARD SMITH LEVI SOLICITORS LLP 33 ST PAULS STREET	
Post town LEEDS	Post code LS1 2JJ
Telephone number (if any) 0113 2971875	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) ESMITH@LEVISOLICITORS.CO.UK	

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you

intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document

giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - i. working e.g. employment contract, wage slips, letter from the employer,
 - ii. self-employed e.g. contracts, invoices, or audited accounts with a bank,

- iii. studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- iv. self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- i. any page containing the holder's personal details including nationality;
- ii. any page containing the holder's photograph;
- iii. any page containing the holder's signature;
- iv. any page containing the date of expiry; and
- v. any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

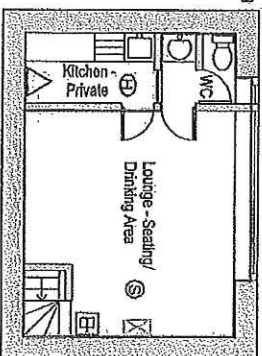
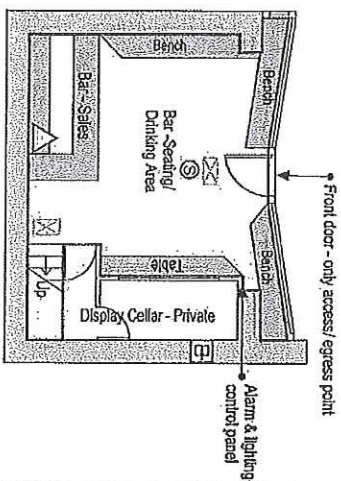
If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

This authority is required to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. For more details, see <http://www.cravendc.gov.uk/nfi>

Ground Floor Bar

First Floor Lounge



Fire Safety Legend

- Fire extinguisher
- Call point
- Smoke detector & alarm
- Heat detector & alarm
- Emergency light

Area edged red includes space where alcohol will sold and/ or consumed. The premises has no outdoor space and its extent is defined by its exterior walls and shop window.

Walls shown grey. Fitted/ fixed furniture shown brown. Fire alarm and emergency lighting system newly installed, commissioned and tested. Powder type fire extinguishers suitable for class A, B, C and electrical fires.

NOTES

This drawing is for the following purpose(s) only:

A - Premises Licensing

Please note: drawing based on survey & information provided by others.

HPD

Heritage | Planning | Design

Vinli Cartwright
01274 975742
villi@heritageplanningdesign.co.uk
82 Park Road, Brimley, BC16 4EJ
www.heritageplanningdesign.co.uk

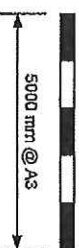
Title: Floor plans for licensing

No: DWG 01 Rev: 0

Scale: 1:100 @ A3 Date: 25/04/2019

Client: Mr Simon Greaves

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



Craven District Council
Licensing Team, 1 Belle Vue Square, Broughton Road, Skipton,
North Yorkshire, BD23 1FJ

Part A
Consent of individual to being specified as premises supervisor

I SIMON GREAVES (full name of prospective premises supervisor) of
[REDACTED]
[REDACTED] (home address of prospective premises supervisor)

hereby confirm that I give my consent to be specified as the designated premises
supervisor in relation to the application for
Application for the GRANT (type of application) by
SIMON GREAVES (name of applicant) relating to a
premises licence (number of existing licence, if any) for
9-11 Court LANG, Skipton, BD23 1DD

.....
(name and address of premises to which application relates). I also confirm that I am applying
for, intend to apply for or currently hold a personal licence, details of which I set out
below.

Personal licence number: BD/PER3623

Personal licence issuing authority: Bradford MD

Name: SIMON GREAVES

Address: [REDACTED]

Telephone number: [REDACTED]

Signature: [REDACTED]

Name (please print): SIMON GREAVES

Date: 25-2-19

Tim Chadwick

From: [REDACTED]
Sent: 28 May 2019 19:40
To: Tim Chadwick
Subject: Licensing Application for 9-11 Court Lane Skipton

Dear Mr Chadwick, we wish to object to the above Licensing Application.

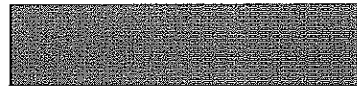
We believe the noise nuisance after 21-00hrs will have a detrimental effect on our sleep patterns.
We live very close to 9-11 Court Lane and would request you grant permission until 21-00hrs.

Yours sincerely,

[REDACTED]
[REDACTED]

28th May 2019

Sent from my iPad



28th May 2019

For the attention of Craven District Council Licensing Manager,
Dear Tim Chadwick,

Ref: Premises Licence Application / Simon Greaves 9-11 Court Lane Skipton BD23 1DD

We wish to submit this representation for consideration in objection to the above application.

We live in an apartment very close to the South East corner of the Providence Quarter development so we will be greatly affected by any increase in noise and anti-social behaviour resulting from the approval of this application, especially by the very late opening hours applied for.

(Ref: Paragraph 4.5 of Craven District Council's Licensing Policy)

Locality of premises:

This part of Court Lane was described as a 'busy town centre location' during the applicant's planning representation. Whilst Court Lane can be busy during the daytime, our personal experience in the evenings has generally been of a very quiet back street with low ambient noise levels.

The applicant has chosen premises for his business on a particularly narrow section of Court Lane. It is a two way street with only room for one car to pass at a time. It has no outside space at all and no parking facilities whatsoever. The Premises are in very close proximity to a number of residential properties, including Providence Cottage where a family with three young children live.

These factors alone pose a great number of issues that the applicant should have considered seriously and adequately covered in his Operating Schedule, to positively promote the four Licensing Objectives without causing avoidable nuisance to others. We feel the applicant has not achieved this.

(Ref: Paragraphs 2.1, 2.2, 20.7, 21.3, 21.5, 23.3, 23.4, 23.6 of Craven District Council's Licensing Policy)

(Ref: Paragraphs 8.41 to 8.44, 8.47 of Section 182 of The Licensing Act 2003.)

Duty of Care:

Local Planning and Licensing policy documentation clearly show that there are 'duty of care' requirements placed on Craven District Council to protect local residents and their rights and that the approach of licensing authorities 'should be one of prevention' and not problem solving after approval.

(For example: Paragraphs 2.1, 2.2, 4.3, 4.4, 4.5, 4.11, 10.1, 10.2, 21.5, 23.6 of Craven District Council's Licensing policy and Paragraphs 1.5, 2.15, 2.16, 2.17, 2.18, 2.21, 2.22, 8.46 of Section 182 of The Licensing Act 2003.)

The controversial decision by Craven District Council's Planning Committee to remove all references to opening hours from the Planning Approval (motion tabled and seconded by Licensing Committee members), and the applicant's Noise Management Plan, makes the decision of Licensing Committee members an even more important one for residents.

Taking into consideration:-

The locality of the premises,

Its very close proximity to residential properties and a family with young children,

The strong case the applicant himself made at Planning for closing at 9pm,

The duty of care that Craven District Council should have for its residents,

References to Craven District Council's own Licensing Policy and the Licensing Act 2003,

We feel it would be totally inappropriate to approve the opening hours applied for.

We therefore recommend that this application should be refused or that opening hours should be restricted to 9pm on an evening, which was what was requested by the applicant at Planning.

Summary of concerns:

The application for late opening hours greatly increases the risk of public nuisance from drunkenness and anti-social behaviour and fails to strike a fair balance between the needs of the applicant and the risk of disturbance to local residents.

(Ref: Paragraphs 4.3 and 23.6 of Craven District Council's Licensing Policy) See also Section 1 - Opening Hours and Balancing Interests

The applicant's Operating Schedule lacks clarity and detail and shows inconsistencies. The applicant's Operating Schedule and Noise Management Plan fail to demonstrate adequately how he will positively promote the four licensing objectives in this specific locality and how it is intended that the premises will be "good neighbours" to residents, especially for the late opening hours applied for.

(Ref: Paragraph 21.5 of Craven District Council's Licensing policy

and Paragraphs 8.43, 8.44, 8.47, and 8.49 Section 182, Licensing Act 2003) See also Section 2 – Applicant's Operating Schedule

There are concerns that the concave design of the building frontage will direct noise towards close proximity residential properties.

See also Section 3 - Premises frontage and Noise Nuisance.

There are public safety, public nuisance and protection of children from harm concerns due to smokers (also includes patrons seen vaping and using mobile phones outside) gathering on the pavement.

See also Section 4 - Protection of children from harm and Section 2 – Applicant's Operating Schedule - Section d) Public Nuisance

Due to the very close proximity to residential properties and the late hours applied for, there are concerns regarding noise nuisance and protection of children from harm issues due to windows and the entrance door being left open.

See also Section 4 - Protection of children from harm

There are concerns that the Planning Conditions for the upstairs windows to be 'fixed shut' and 'obscurely glazed' to the requested opacity will not be fully complied with.

There are concerns that the west facing, almost fully glazed frontage will cause patrons to gather outside the premises on warm summer days and evenings causing further public nuisance, public safety and protection of children from harm concerns.

See also Section 4 - Protection of children from harm

There are public safety and public nuisance concerns due to parking and delivery issues.

See also section 5 - Nuisance from Alcohol Deliveries and Parking

There are concerns regarding safe capacity.

(Ref: Paragraph 2.12 Section 182, Licensing Act 2003)

See also Section 6 – Safe Capacity

There are concerns regarding the cumulative impact the Premises and the other new bar on Newmarket Street will have on the immediate area.

(Ref: Paragraphs 16.1 to 16.4 of Craven District Council's Licensing Policy) See also Section 7 - Cumulative Impact

There are concerns regarding the limited facilities at the Premises for serving 'cooked food'.

See also Section 8 - Hot and Cold Food and Hot Beverages

There are concerns regarding the application for Late Night Refreshment both inside and, especially, outside the Premises.

See also Section 9 - Late Night Refreshment

There are public safety, public nuisance and negative visual impact concerns regarding a potential increase in pavement signage at each end of Court Lane.

See also Section 10 - Pavement Signage

Section 1) Opening Hours and Balancing Interests:

Paragraphs 4.3 and 23.6 of Craven District Council's Licensing Policy are clear regarding 'Balancing Interests'.

The applicant demonstrated during the Planning process that he had a very clear understanding of the impact this bar would have on its very close residential neighbours:

The applicant's Planning representation and Noise Management Plan clearly stated that the earlier closing time of 9pm would prevent late evening noise nuisance and drunkenness associated with this Micro-bar.

(Ref: Craven District Council - Planning Committee Meeting 14 January 2019 - 10:57 to 11:27 mins and 13:02 to 13:30 mins -

<https://soundcloud.com/cravendistrictcouncil/planning-cttee-14-jan-2019?in=cravendistrictcouncil/sets/planning-committee>)

(Ref: Original Noise Management Plan - https://publicaccess.cravenc.gov.uk/online-applications/files/3FA8EF683CB365ACFCDD0E16B173030D/pdf/2018_19739_COU-NOISE_MANAGEMENT_PLAN-443688.pdf)

It has been said that the bar needs the late hours to compete with other licensed premises in town. This is a 'market forces' matter and should not be of concern to the Licensing Authority.

(Ref: Paragraph 16.1 of Craven District Council's Licensing policy)

The applicant's planning representation was very clear that his business plan is based around opening hours of 12 noon to 9pm. The applicant is therefore confident that he can operate his business successfully within these hours of trading, without the requirement to open until midnight and beyond.

(Ref: Craven District Council - Planning Committee Meeting 14 January 2019 - 11:12 to 11:27 mins -

<https://soundcloud.com/cravendistrictcouncil/planning-cttee-14-jan-2019?in=cravendistrictcouncil/sets/planning-committee>)

The applicant's own Noise Management Plan and Planning Statement does show that his target demographic is not in direct competition with many of the other pubs and bars in the vicinity:

"The proposed microbar is to be targeted at older (30 years +) and more discerning patrons, who are less likely than average to be drunk and noisy." *"The Applicant's target demographic is also less likely to smoke than average."*

"Serving only quality alcoholic beverages at prices that seek to avoid excessive consumption (i.e. encouraging the consumption of quality over quantity)"

"to attract the more discerning middle aged drinker with more disposable income than the average lager quaffing individual"

The applicant's main competitors will be the other 'Micro-bars' in the vicinity. The closest other 'Micro-bar' is Early Doors. Early Doors opens 12 noon to 8pm most days and only opens until 9pm on Fridays and Saturdays. The other new bar, at 30 Newmarket Street, has applied to open only from 12 noon to 9pm each day. Skipton's most successful 'Micro-bar' is The Sound Bar. This also closes at 9pm.

There is also a much higher concentration of residential dwellings in close proximity to the applicant's Premises than there is to any of the other bars mentioned above. This should carry a greater weight when considering suitable Opening Hours.

The applicant's Planning Statement claimed, *"The Micro Bar would initially open until eight o'clock in the evening... ..and would hope the Tapas business next door and his bar would complement each other."*

The Casa Pequeña Tapas Bar also only opens until 9pm Wednesday to Saturday, 7pm on Sunday and is closed Monday and Tuesday.

It is clear, therefore, that the applicant's request to remain open to the public until 00:30 every night, with his Premises being in such close proximity to residential properties in this quiet, narrow back street of Skipton, does fail to strike a fair balance between the needs of the applicant and the risk of disturbance to local residents.

(Ref: Paragraphs 4.3 and 23.6 of Craven District Council's Licensing policy)

Section 2) Applicant's Operating Schedule:

The applicant's Operating Schedule, included in his Licensing Application, lacks clarity and detail about the measures he proposes to positively promote each of the licensing objectives and how they are appropriate for the locality of his Premises, in this high density residential area. The Operating Schedule does not refer to its locality at all. The applicant appears to have just provided a simple set of 'standard conditions' as an easy option, which is contrary to the requirements of the Licensing Act 2003.

(Ref: Paragraphs 8.41 to 8.44, 8.47 and 8.49 Section 182, Licensing Act 2003)

The Operating Schedule fails to demonstrate how the applicant intends to ensure that his Premises will be "good neighbours" to the residents that are in very close proximity on Court Lane.

(Ref: Paragraph 21.5 of Craven District Council's Licensing policy)

The operating schedule also fails to mention how the applicant will address "drinking up time" and how customers are managed after sale of alcohol ceases. Considering just how close his Premises are to residential properties, this should be a very important issue for the applicant to detail, especially for the very late operating hours and for the Late Night Refreshment (both inside and outside) applied for.

(Ref: Paragraph 21.4 of Craven District Council's Licensing policy)

As stated previously, The applicant's Planning Statement, Planning Application, Planning Representation, and Noise Management Plan all showed that the applicant had a very clear understanding of the impact the proposed 'Micro-Bar' would have in this quiet, predominantly residential part of Court Lane in terms of noise, drunkenness and public nuisance, which are key issues that should be covered in clear detail to positively promote the licensing objectives.

The applicant declared several times in these that to help mitigate these issues the trading hours would be 12 noon to 9pm, 7 days a week.

As previously mentioned, it was clearly stated that the applicant's Business Plan was based around 12pm to 9pm opening hours and that he had no plans to trade any later. It was also stated that the applicant wanted to "peacefully coexist with neighbours" and that if planning was approved the applicant would apply for these hours for Licensing.

(Ref: Noise Management Plan: https://publicaccess.cravenc.gov.uk/online-applications/files/3FA8EF683CB365ACFCDD0E16B173030D/pdf/2018_19739_COU-NOISE_MANAGEMENT_PLAN-443688.pdf)

(Ref: Planning Statement: https://publicaccess.cravenc.gov.uk/online-applications/files/C84882078A338CC85EC015F32BCB5835/pdf/2018_19739_COU-PLANNING_STATEMENT-426821.pdf)

(Ref: Planning Application: https://publicaccess.cravenc.gov.uk/online-applications/files/F0270268168458F579F6DC5472D7F57C/pdf/2018_19739_COU-APPLICATIONFORMNOPERSONALDATA-426819.pdf)

(Ref: Planning Representation: 10.30minutes to 15.10minutes: <https://soundcloud.com/cravendistrictcouncil/planning-cttee-14-jan-2019?in=cravendistrictcouncil/sets/planning-committee>)

This licensing application is very much contrary to the statements made to Planning in terms of opening hours and appears to indicate a reluctance by the applicant to be a "good neighbour" or to keep his word.

Operating Schedule Section d) The Prevention of Public Nuisance:

Taxis:

In this part of the applicant's Operating Schedule he states: "Local taxi numbers will be displayed at the Premises". Whilst this may assist patrons to gain safe transport home it will contribute to the noise nuisance being brought into this part of Court Lane by these Premises, with additional traffic noise and car doors slamming very close to residential properties until well after midnight when patrons leave the Premises in taxis.

The nearest taxi company will be the new taxi premises on Court Lane, also very close to the residential properties. This creates the risk of boisterous groups of people gathering outside the taxi office at 12:30am and beyond if the very late opening hours are approved.

This issue has not been adequately covered in the applicant's noise management and dispersal policies and will have a negative impact on the promotion of the Public Nuisance Licensing Objective.

(Ref: Paragraph 8.44, Section 182, Licensing Act 2003)

Waste Management:

Following this latest Licensing Application, the applicant's 'Waste Management' plans now appear somewhat unclear and inadequate.

The applicant's Noise Management Plan states that, *"Only limited amounts of waste and recycling will be generated by the microbar with most drinks being stored in casks and kegs that are reused."* However, this was before he very quickly diversified from being a basic Micro-bar, as presented at Planning, to also being a Wine Bar, a Cocktail Bar, and also serving Hot Beverages and Hot and Cold Food, including the serving of Late Night Refreshment inside and outside his Premises.

Litter Bins & Bottle Bank:

The Operating Schedule of the applicant's previous Licensing Application mentioned the use of an external bin and a bottle bank. Both of these items have been removed from this latest Operating Schedule, possibly to avoid further representations against these, with no details on how he now intends to manage the potential litter from smokers outside his Premises and the increased number of waste bottles from the wine and cocktails he now proposes to sell in addition to the beers and spirits indicated at Planning. He has also applied for Late Night Refreshment both inside and outside the Premises but there are no details whatsoever in his Operating Schedule on how he proposes to manage the impacts of this either.

The mention of an 'external bin' may have been removed from the applicant's latest Operating Schedule. However, an external bin had been left on the public pavement day and night from when he opened the Micro-bar for business on 26th April until 19th May. The bin remained on the public pavement, un-emptied, even on the several days that the bar had been closed between the weekends. The 'external bin' returned to the pavement again on 24th May and was again left on the public pavement, even when the bar was closed, until closing time on 27th May.



This appears to show a lack of regard for the locality (which is a Conservation Area), public safety and public nuisance. This does show that the applicant's true intentions and what he puts in his Operating Schedule may not always concur, which appeared to also be the case with his Planning Application.

It is not clear if the applicant has, or would need, official consent for a bin on the public pavement outside his Premises.

Empty bottles have been seen in the 'external bin' outside the Premises. This would suggest that drinking has been allowed outside, which goes against the applicant's Operating Schedule and Noise Management Plan, which itself forms a key part of his Planning Approval. It has been said that the bottles, and indeed the bin itself, could be used as weapons if an altercation took place outside the bar, the risk of which would naturally increase if the late opening hours were approved. This does negatively impact on the promotion of the Public Safety Licensing Objective.

Conversely, the lack of an outside bin, as intimated by the applicant's latest Operating Schedule, would create littering concerns as smokers do not have a designated area on the Premises and would have to use the public pavement or the narrow public road to congregate in, or trespass on the private land immediately opposite, which belongs to the Providence Quarter residents, also adding to the public safety and public nuisance concerns.



Bottle Bank:

The applicant's previous Operating Schedule just stated: "*bottle bank*". There was no clarification on what form this would take or where it would be situated. A 'bottle bank' would be a source of a great deal of noise nuisance in this locality, and public safety issues if not managed responsibly.

The 'bottle bank' does not appear in the applicant's latest Operating Schedule, so it is now unclear how he proposes to deal with the increased number of bottles and other waste since diversifying into a Micro-Bar/Wine-Bar/Cocktail-Bar, serving Hot and Cold food, including Late Night Refreshment both inside and outside the Premises. This should be covered in detail, to show how the applicant plans to deal properly with this issue in line with positively promoting the Licensing Objectives in this predominately residential area.

The applicant's Noise Management Plan does suggest a possibility of renting a car parking space at the nearby hotel for the purpose of waste and recycling bins, but this was only a 'possibility' and there are no details of how bottles would be transported to this location from the Micro-bar. This could also produce a great deal of noise nuisance and public safety issues if not managed responsibly.

The applicant's Noise Management Plan states, "*under no circumstances will glass bottles be deposited into external bins after 18:00.*" There is no mention of a morning time restriction. If the late opening hours are approved then bottles could be deposited into external bins, or his bottle bank, or his car when the Premises closed to the public at 00:30 every morning and the applicant would still be complying with this statement in his Noise Management Plan. This would obviously be a great noise nuisance for the very close residents.

Conditions to mitigate this nuisance would be very appropriate, as would clearer details on the applicant's waste management plans, so that the applicant could clearly be seen positively promoting the Licensing Objectives.

Drinking Outside:

The applicant's previous Operating Schedule stated, "*No drinking allowed outside.*" This has been removed from his latest Operating Schedule. However, his Noise Management Plan does state, "*The Applicant is to prohibit the consumption of alcohol off the premises*". This statement contradicts Section J of the application where the applicant has stated that he will be supplying alcohol for consumption both on and off the premises. The applicant is actually facilitating the consumption of alcohol '*outside*' and '*off the premises*' by this application. The bottles seen in the 'external bin' outside the Premises do suggest this. The drinks being sold for "off-sales" may be in sealed containers but they will be easily openable.

The applicant has little control over what people can or cannot do when away from his premises, which is basically anywhere outside the front door.

Plans to bar 'offenders' returning or trying to move them on will more than likely result in an increase in noise nuisance, public disorder and anti-social behaviour issues, especially later in the evening when alcohol fuelled bravado kicks in and patrons are much more likely to be boisterous and disorderly.

Section 3) Premises frontage and Noise Nuisance:

The frontage of the premises is predominately very large, single pane, almost floor to ceiling height windows and glass door.

The frontage has no sound deadening qualities at all.

The concave shape of the frontage will help direct any noise from the Premises towards the residential properties very closely opposite, i.e. towards the Providence Quarter and Providence Cottage, where a family with young children live.

This noise will also be directed through the gap between these two building, which will exacerbate this issue, much like a giant loud-hailer.

The picture below is the view from our balcony which clearly shows that we will be greatly affected by any noise from outside these premises. Our bedroom is around 6-8 metres closer to Court Lane so our sleep will be very much disturbed by any noise or anti-social behaviour at the Premises, especially if these late opening hours are approved.



It has been noticed that smokers outside the premises have sometimes been joined by patrons wishing to vape and socialise with the smokers. A patrons was also seen coming out of the Premises to use her mobile phone. Whilst neither of these are too much of an issue in the early evening, they would certainly add to the noise nuisance issue when patrons become more rowdy later in the evening and after midnight, when residents have gone to bed, if the late licensing hours applied for are approved.

In addition, both the vapers and mobile phone user seen outside the Premises do somewhat weaken the applicant's Noise Management Plan argument regarding noise where it states *"the number of patrons that smoke outside of the premises is expected to be limited."*

Section 4) Protection of children from harm:

(Ref: Paragraph 2.22 of Section 182 of The Licensing Act 2003.)

As previously mentioned, the Premises have no outside space whatsoever and so are not able to have a dedicated smoking area. The only places where smokers would be able to congregate are on the narrow public pavement, on the narrow public roadway, or by trespass onto the private land belonging to the Providence Quarter directly opposite the micro-bar. *(See photograph below in Section 5: Nuisance from Alcohol Deliveries and Parking:)*. These are all in very close proximity to Providence Cottage where a family with young children live.

There is a genuine risk that these children could suffer an exposure to strong language and sexual expletives due to patrons gathering outside the bar when smoking and socialising. This risk would increase later in the evening as more alcohol is consumed and patrons become more boisterous and less inhibited.

Due to the very close proximity of the Premises, there will also be a risk of the children being exposed to any 'robust' language if the entrance door or windows are left open. It has been noticed that the entrance door does not appear to have a 'closer' fitted and the door has been seen left open on occasions.

This risk will increase further if drinkers move outside during warm summer days and evenings to escape the hot interior caused by the lack of a ventilation system and the West facing, almost floor to ceiling height glazed frontage.

Any incidents of violence, disorder or anti-social behaviour at the premises will be directly outside the childrens' home, especially the rear garden and bedrooms. This close proximity can be clearly seen in the above photograph in *Section 3) Premises Frontage and Noise Nuisance.*

Section 5) Nuisance from Alcohol Deliveries and Parking:

This nuisance is very much related to the applicant's business of the sale of alcohol so is relevant to the 4 Licensing Objectives.

The applicant's Noise Management Plan states that "*deliveries will have a negligible impact over and above existing commercial deliveries and activity in the area.*" In actual reality, 9-11 Court Lane, as shown in the following photograph, is positioned at a particularly narrow, restricted section of Court Lane. At this point it is a two way street with only room for one vehicle to pass at a time. Any delivery parking here, for any amount of time at all, in any vehicle type will cause public safety issues and public nuisance.



- This is the main access route to the two car parks for the 39 apartments at Providence Quarter.
- This is the main access route for deliveries to the Craven Court shopping centre.
- It is a main access route to residential and business properties on Otley Street, Rope Walk and Jerry Croft.
- It is a popular access route to the busy House of Fraser car park
- It is a popular access route to the very busy Skipton High Street car park.
- Court Lane is also a busy pedestrian route during the day.

Any delivery vehicle parking at 9-11 Court Lane will either totally block the pavement, forcing pedestrians onto the road, totally block Court Lane to two way traffic or, depending on the delivery vehicle, both.

The indiscriminate parking for very long periods each day by the applicant and the trades-people he employed during the work on the Micro-bar caused many problems for a number of weeks and appeared to show a lack of regard for public safety, public nuisance, and the locality of the Premises.



A popular alternative in this part of Court Lane is to park opposite the applicant's premises on the yellow hatched area immediately outside the car park entrance for the Providence Quarter. This is private land belonging to the Providence Quarter.

Residents of the Providence Quarter already suffer great nuisance from indiscriminate parking on its land without permission. This causes blocking or restricting access to the Providence Quarter's ground floor car park. Proprietors of existing businesses on Court Lane already contribute to this nuisance. Polite requests for vehicles to be moved have caused uncomfortable confrontations. This is already quite a stressful issue and nuisance for the residents of the Providence Quarter.



As can be seen, we have tried installing a parking bollard to mitigate this problem but even this is ignored. This public nuisance has the potential to escalate much further with the proposed Micro-bar unless conditions are imposed to discourage the applicant, related delivery companies, and patrons from using the residents' private amenity for purposes related to his business.

The applicant himself chose premises that have no outside space and absolutely no parking facilities whatsoever. It should, therefore, be the applicant's responsibility to ensure that any activity associated with his Premises does not cause trespass, avoidable nuisance, or detract from the residential amenities of the occupants of the Providence Quarter and other local residents.

A condition on the licence may help prevent this public nuisance escalating.

Section 6) Safe Capacity:

(Ref: Paragraphs 2.8, 2.12, 2.13 of Licensing Act 2003 S182 Guidance.)

From the submitted plan for the premises and from viewing the Premises itself, it is clear that there is only one entrance to the Premises, an inward opening full height glass door. Much of the ground floor is taken up with the bar and the display unit (in effect the cellar) for the casked beers on sale.

A very narrow staircase at the back of the ground floor leads to a further drinking (and designated vaping) area upstairs. This narrow staircase is the only exit from the upstairs area.

Due to its layout and size these premises could very easily become overly full.

For the promotion of public safety we believe that a 'safe capacity' condition should be a considered.

A 'safe capacity' condition would be even more critical for the positive promotion of public safety if the very long hours that have been applied for were to be approved. Many late night revellers may gravitate towards these Premises after other 'micro-bars' and pubs in Skipton closed their doors at a more considerate hour.

The new, much larger capacity live/comedy venue at 30 Newmarket Street, which wishes to close at 9pm, would definitely add to the risk of overcrowding these comparatively smaller premises, especially if the very late opening hours are approved.

Any overcrowding of the Premises would produce a marked increase in the risks of noise nuisance, anti-social behaviour, and to the safety of people in the Premises, especially so later in the evening when more alcohol has been consumed. This would seriously compromise the promotion of the Licensing Objectives.

Section 7) Cumulative Impact:

(Ref: Paragraphs 16.1 to 16.4 of Craven District Council's Licensing Policy)

We are aware that Craven District Council does not presently have a Cumulative Impact policy in place. However, there is already a large number of pubs and bars in this part of Skipton - The Devonshire, Bojangles, Early Doors, The Albion, 25 Below Bar are all in very close proximity to this bar.

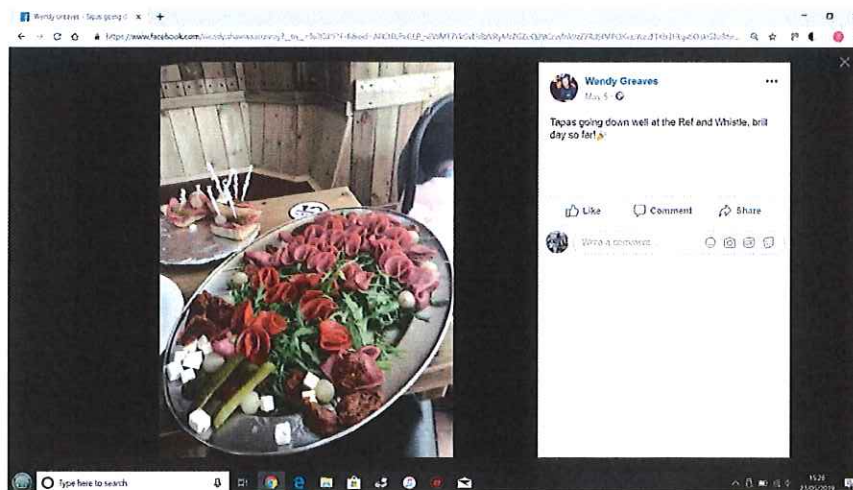
The new live music/comedy bar at 30 Newmarket Street and the applicant's premises would represent a 40% increase in pubs and bars in this small area alone. There is therefore a risk of a negative cumulative impact on the promotion of the Licensing Objectives, especially with respect to Court Lane itself. Footfall, noise problems, anti-social behaviour and other issues could increase as a consequence and would be difficult to mitigate, especially if the very late opening hours for these premises are approved.

Section 8) Hot and Cold Food and Hot Beverages:

There was no mention of this during the Planning process.

The plans for the Premises show limited facilities for preparing hot and cold food.

The sign on the front window does state, "Locally sourced cooked food" so the plan may be for it to be supplied from nearby premises, for example: we have heard it said that this may be supplied from the Tapas Bar next door. If this is the case then the other premises would require the necessary planning approvals for 'Take Away' food, i.e. A5 use. This Facebook post does show Tapas being provided at the Micro-Bar:



There would be Public Safety concerns if plated hot and cold food was being carried along the public pavement to the Premises.

Section 9) Late Night Refreshment:

This, again, was not mentioned at Planning, or in the previous Licensing Applications and there are no details in the Operating Schedule regarding the applicant's plans for Late Night Refreshment both 'inside' and, particularly for, 'outside' his Premises. As the Premises has no outside space whatsoever it can only be presumed that this 'off premises' Late Night Refreshment would be regarded as 'Take Away'. The Premises only has A4 use approved by Planning. Does this application need to be passed back to Planning for 'Change of Use' as 'Take Away' requires A5 use approval?

The Premises did previously have Planning Approval for A5 use but this was never acted on and expired on 4th April 2019. This approval did have strict conditions that needed to be complied with prior to its commencement as A5 use (see over):-

Decision No: 63/2016/16686 Date Decision Issued: 04 April 2016
Proposal: Change Of Use To Hot Food Takeaway (A5)
Location: 9 Court Lane, Skipton, BD23 1DD.

4. Prior to the first use of the premises as a hot food takeaway the applicant shall submit details for the written approval of the Local Planning Authority means of odour control from the proposed take-away. Thereafter the approved details shall be implemented and retained in accordance with the approved details.

Reason: *To safeguard the living conditions of neighbouring residents particularly with regard to the effects of odours, and to protect nearby commercial business from potential odour nuisance.*

5. Prior to the first use of the premises as a hot food takeaway, a schedule of days and hours of operation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the takeaway shall only open during the approved hours.

Reason: *To safeguard the living conditions of nearby residents particularly with regard to the effects of noise and to protect nearby commercial business from potential noise nuisance.*

There are also no details on how the applicant proposes to deal with any litter/waste/noise issues from the Late Night Refreshment he proposes to supply 'outside' his premises, in order to positively promote the Prevention of Public Nuisance Licensing Objective.

Section 10) Pavement Signage:

Whilst the applicant has not indicated an intention to install pavement signage it may be prudent to add a condition to the licence to prevent the potential of an increase in signage at each end of Court Lane. We are not certain if permission is required for pavement signage, especially in this Conservation Area, but any additions would certainly increase public safety and public nuisance concerns, and the negative visual impact in this Conservation Area, if more signs were placed here.



The lax parking enforcement in and around Court Lane (as the highlighted rogue parking outside the applicant's Premises for very long periods evidenced) does greatly increase the risks to pedestrian safety. Additional pavement signage should not be allowed, so that these public safety risks are not increased further.



The position of the Premises, chosen by the applicant himself, in this very narrow section of Court Lane, with no outside space, absolutely no parking facilities, and being so close to residential properties was always going to present many issues and concerns.

The Licensing Act and the Council's Licensing policies clearly highlight that the applicant should be aware of these issues and mitigate them in his Operating Schedule to positively promote the Licensing Objectives. The applicant has failed to do this, especially for the very late opening hours and the Late Night Refreshment he has applied for.

The Council's own Licensing policies are clear that the Licensing Authority will strike a fair balance between the needs of a licence holder and the risk of disturbance to local residents.

At planning we were willing to support the bar if the applicant had adhered to his clear plans to close at 9pm. The applicants' Licensing Applications have consistently shown that this was never his true intention.

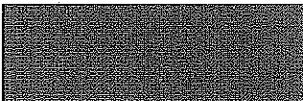
Therefore, taking into consideration:-

*The issues and concerns highlighted in this representation,
The locality of the Premises,
The Premises' very close proximity to residential properties and a family with young children,
The strong case the applicant himself made at Planning for closing at 9pm,
The duty of care that Craven District Council should have for its residents,
The references to Craven District Council's own Licensing Policy and the Licensing Act 2003,*

We feel it would be inappropriate to approve the late opening hours applied for.

We therefore recommend that this application should be refused or that opening hours should be restricted to 9pm on an evening, which was what was clearly requested by the applicant at Planning.

Yours Sincerely,



Providence Quarter Management Company

24th May 2019

Dear sirs,

Premises Licensing application 9-11 Court Lane, Skipton BD23 1FA. Applicant Simon Greaves

I am writing to you in my capacity as chairman of Providence Quarter Limited, the Residential Management Company of the Providence Quarter apartment building. I am aware that some individual residents have already expressed their concerns regarding the licensing application and I have been requested by a number of others to make representations on their behalf.

The residents' principal objection is to the grant of a licence permitting extended opening hours which it felt will lead to a loss of amenity and the increased risk of public nuisance and they are concerned that the question of a restriction on opening hours has not been fully considered due to the applicant's repeated changing of requested hours and the comment made by the planning committee that *"opening hours would be dealt with through the licensing process."*

The statement accompanying the original planning application in September 2018 stated that the applicant wished to convert the premises into a microbar and *"The microbar would initially open from noon until eight o'clock in the evening....."* The hours were subsequently amended to 12.00 to 21.00. An anomaly was identified by North Yorkshire Police in an email to Owen Holmes (forwarded to Katie Chew in planning) which showed that a licensing application had been submitted with hours of 12.00 - 23.00 which was at variance with the planning application. We understand that the licensing application was then withdrawn pending a decision by the planning committee.

As part of the planning application a noise management plan was submitted to the committee which stated *"The proposed trading hours are 12.00 to 21.00, 7 days a week as per the application form and draft trading hours condition"* and *"The early closing time will prevent the generation of any additional noise in the late evening."* A revised noise management plan dated 15th January 2019 omitting any reference to opening hours was subsequently submitted to the planning committee.

The report to the planning committee on 11th February stated *"Thereafter it became evident that the submitted noise management plan contained a condition that specified hours of opening (12.00 - 21.00). That was at variance with member's decision not to control hours of opening (on the basis that opening hours would be dealt with through the licensing process)." This is a direct contradiction to the planning decision made by the planning committee for the microbar Early Doors in Newmarket Street where opening hours were an express condition of planning approval (in this case 12.00 - 20.00) "To ensure that the activity at the premises does not have an unacceptable impact on the amenities of others".*

We are greatly concerned that the question of opening hours has fallen between the two separate regimes of planning and licensing and that the applicant's current licensing application dated 1st May 2019 is now seeking regular opening hours of 11.00 to 24.30 (with additional hours at New Year) which is at complete variance to his previously stated intentions. We therefore feel that the question of opening hours should be given greater weight by members of

the committee and that they should be restricted to 12.00 - 20.00 in accordance with the applicants first submission. Our reasons for requesting a restriction are in full accordance with the stated licensing objectives and policy aims and in particular policy aims 2.1 and 2.2 which state*"ensuring at all times the safety and amenity of residential communities..."* and *"Residents have a right to protection against any adverse effect arising from these activities."*

It is widely recognised that drunkenness is a major contributor to noise associated with the night time economy and **in the original noise management plan dated 10th January 2019 submitted to Craven Council the applicant stated amongst other things that it would be mitigated by closing at 21.00** . It is now apparent that the applicant has never had any intention of adhering to those hours and has cynically manipulated the planning and licensing processes to achieve his aims of running a late night venue. There is a clear precedent already for restricting the opening hours for microbars in Skipton Town centre and bearing in mind the essentially residential nature of the location of the proposed microbar it is requested that the precedent is followed and that opening hours are restricted in order to prevent any addition to the public nuisance which is already endured in the locality. **This is in accordance with the stated Licensing aims 2.1 and 2.2.**

Yours faithfully

Peter Carruthers
Chairman - Providence Quarter Limited

Email: [REDACTED]

Correspondence to: [REDACTED]

12 May 2019

For the attention of Craven Council Licensing Committee

Re: Premises Licence Application/Ref and Whistle Micro Bar/Wine Bar/ Simon Greaves 9-11 Court Lane Skipton BD23 1DD

We are submitting our objections to the proposed Premises License Application in respect of the revised opening hours which the applicant is now seeking. On his original Change of Use application for 9-11 Court Lane [2018/19739/739/COU] the applicant asked for approval to open the premises from 12pm until 9pm Monday through Sunday and Bank Holidays. In his Noise Management Plan it was stated... **"The proposed trading hours are 12.00 to 21.00 7 days a week as per the application form and draft trading hour's condition. The early closing time will prevent the generation of any additional noise in the late evening"**.

At the meeting we raised our objections to the late opening hours but this was not dealt with there instead referred to the Licensing Committee.

The applicant is now seeking permission from the Licensing Committee to open from 11:00 until 24:00 with an extra hour on New Year's Day. We believe that late night opening, if granted, will have a detrimental effect for ourselves and the other residents living in the immediate vicinity of the premises. We are objecting to these revised arrangements and wish the Committee to give the following points due consideration.

1. We do not oppose the principle of the opening of a micro bar our concerns are related to noise levels late at night which will detrimentally impact on the quiet enjoyment of our home. We ask that recognition is given to the changed complexion of the area around Court Lane from purely business premises [5 units] to mainly residential dwellings. The council has supported substantial residential development in and around Court Lane, there now being 48 flats and houses in the immediate area of where the bar is proposed.

We believe that 9pm is late enough in line with other micro bars in the town.

There is already a cumulative impact on people living in Court Lane with a large concentration of licensed premises in the vicinity, creating increased footfall, congregation of the public on the street, potential for increased crime and disorder, litter and anti social behaviour as well as noise nuisance. We already suffer from some of these issues occurring late at night and particularly on the weekends and holidays. There are 8 establishments situated between 7 and 82 metres from our residences, the granting of the licence to the Ref and Whistle will make this 9. Our worry is of the potential for more rowdy customers causing nuisance late at night which will be intolerable for the residents living very close by.

The flats on the East side of Providence Quarter [which includes our own at 209] overlook the bar being approximately 12 metres from the premises, and thus will be particularly affected. [See attached photo showing proximity of bar to our flat] The balconies, living rooms/kitchens and bedrooms of 4 flats directly overlook the bar. Also residents will be affected by customers leaving and entering the premises, people accessing Court Lane from Newmarket Street, Otley Street and through the passage from High Street. There will be noise from taxis and other traffic and from smokers talking outside the bar which will be amplified under the influence of alcohol.

In addition the sale of alcohol to be consumed off the premises, if granted, will draw additional foot fall and traffic creating further noise and disturbance.

2. We believe that recognition has previously been made by this council in respect of pub opening hours in mixed business/residential areas in the case of the council Planning Committee Decision for the Early Doors Micro Bar in Newmarket Street. [Planning Application Notice 63/2015/16375] The implications of opening hours and noise nuisance in residential areas were addressed by the council. The Notice [point 3/4] states the bar shall not be open for business no later the 8pm at night ..." **to be sure that the activity at the premises does not have an unacceptable impact on the amenity of others...business and residents."**

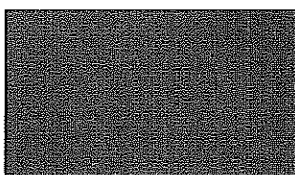
We believe our case requires even greater weight being given to the impact of late night opening in the Court Lane area as there is a much higher concentration of residential dwellings close by.

We are also aware that the Sound Bar a successful micro pub on Swadford Street closes at 9pm.

All residents who moved into Providence Quarter recognise that there is external noise and were aware of the nature of the businesses operating in nearby premises. Indeed some of us moved here because of the town centre with all its amenities being close at hand. We do not have an issue with this but the addition of a bar but with the potential for late night drinking will bring about adverse changes to the environment which will be detrimental to our health and quality of life.

Ourselves and our 38 neighbours at Providence Quarter are council tax payers and trust the council to protect our rights to an environment which does not compromise our good health and quality of life and the quiet enjoyment of our homes. When this matter comes before the committee we urge you to consider our needs and control the opening hours to be in line with other micro bars in the town.

Thank you for your considered attention in this matter.





OBJECTIONS TO THE LICENSING APPLICATION FOR 9-11 COURT LANE, SKIPTON BD23 1DD

We wish to object, once again, to the re-submitted Licensing Application by Simon Greaves. It is dated 1 May 2019 and the final date for last representations is 29 May 2019. It is called the Ref and Whistle.

The Licensing Application states "Provisions of late-night refreshments 23.00 to 00.00 Indoor and Outdoor", "Sale by retail of alcohol 11.00 to 00.00 on and off the premises with additional hour each New Year's Eve", and "Hours open to the public 11.00 to 00.30". All are for every night, 7 days each week.

A new planning application is now required for the above. Under Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended) the "existing" Micro-Bar use is A4 Drinking Establishments, whereas what is now proposed in the current Licensing Application is clearly A5 Hot Food Takeaways.

Members attention is initially drawn to planning application no. 2018/19739/COU for the Change of Use of the property from Retail to a Micro Bar, which was considered at meetings of the Planning Committee on 17 December 2018, 14 January 2019 and 11 February 2019. It was finally approved and the Decision Notice issued on 19 February 2019. At the meeting on 17 December 2018, the Planning Officer recommended approval subject to the premises only being open for trade or business between 12:00 hours and 21:00 hours Monday to Sunday and on Bank Holidays. This is what the applicant applied for. The Planning Permission for a Micro Bar, issued on 19 February 2019, however contained no restrictions on the hours of opening.

The actual procedure undertaken to determine the planning application at the above three Planning Committee meetings is now the subject of a Local Government Ombudsman investigation.

Whilst the description on the planning application form was for a Micro Bar and this is what Simon Greaves has been granted Planning Permission for, it should be noted that during the deliberations it was also referred to as a Sports Bar (Ref and Whistle). The actual proposals in the current Licensing Application are as now for additional uses, as detailed in the second paragraph of these objections.

Simon Greaves is currently operating under a Temporary Events Notice and open every weekend. He is already flouting Condition 3 (fixed first floor windows) and Condition 4 (obscure windows to level 3 on the Pilkington Scale and non-opening first floor windows) of planning permission no. 2018/19739/COU.

The fact is still that 9-11 Court Lane is surrounded by 46 dwellings, which includes the adjacent Providence Quarter containing 39 Apartments. Indeed, windows and balconies to the Apartments facing onto the narrow Court Lane are only 11 metres from the property.

The Licensing Application is to retail alcohol, both on and off the premises, and sell late night refreshments both inside and outside the building. The question regarding the playing of recorded music on the Form has been left blank.

It is understood that the Licensing Committee, when determining a Licensing Application, have to have regard to what is reasonable and every decision has to be proportionate. Case Law is also clear. Decisions should be taken to prevent problems from happening. Competing considerations should also include whether or not there is a demand for a further licensed establishment and regard has to be taken of the impact on the lives of those who live and work in the vicinity.

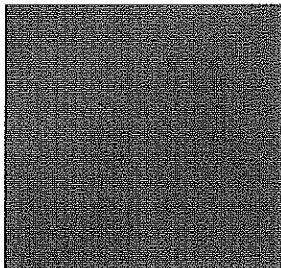
The proposed hours open to the public of the new use at 9-11 Court Lane, having regard to the nature and proximity of the surrounding residential properties, are neither reasonable nor proportionate. They would, by reason of noise and disturbance, be completely detrimental to the privacy and amenities of the occupiers of the surrounding dwellings.

The applicant also presumably still proposes to locate a Litter Bin and a Bottle Bank outside. The use of a Bottle Bank is clearly a noisy operation and could be used 24 hours per day. However, it is understood that the applicant does not own or control any adjoining land suitable for these facilities. The location on the public pavement would not only be illegal but also be seriously detrimental to highway and pedestrian safety.

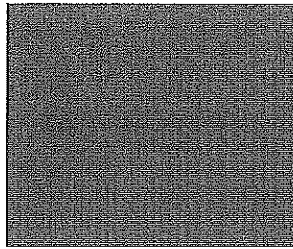
The patrolling by staff, as stated on the Licensing Application form, would not overcome any of the above objections.

If Members are minded to approve this fifth Licensing Application, despite all the above sound objections, then we request, having regard to what is reasonable and proportionate, that the hours open to the public should be restricted to 12:00 to 21:00, as was initially requested by the applicant in his planning application. There should be no alcohol sold off the premises and no food sold for consumption off the premises.

Thank you.



6 May 2019



22nd. May 2019

Licensing Manager,

Craven District Council

Dear Mr Chadwick,

Re: Licensing Application for 9-11 Court Lane, Skipton

We wish to object to the above application, and have noted that the public notice in the Craven Herald edition dated 16/05/2019 refers to the hours for the sale of alcohol both on and off the premises as between 11.00 and 00.00, and late night refreshment between 23.00 and 00.00 seven days per week, plus an additional hour on New Years Eve/Day. This agrees with the hours in the latest application, but does not agree with the notice displayed on the premises, 9-11 Court Lane.

The objectives of the Licensing Committee are noted as the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. In promoting these objectives, the Statement of Licensing Policy in 5.1 states "the Licensing Authority shall take the following into consideration:

Representations or complaints and evidence or supporting documentation provided;

The guidance;

And this policy."

With regard to the prevention of crime and disorder, we note there is now a camera fixed to the outside wall of the premises, presumably part of a CCTV system.

Mr Greaves, when considering public safety, says staff will receive training regarding emergency and general safety precautions and procedures. There is no indication of who or how that training will be provided, but we would question if Mr Greaves is a fit and proper person or qualified to carry out such training.

In an article in the Telegraph and Argus (link to the article – <https://www.thetelegraphandargus.co.uk/news/local/brad/10623907.Clayton>)

the following is reported when Mr Greaves was requesting an extension of opening hours:

PC Shaun Marshall, a licensing officer for West Yorkshire Police, said they had been called to numerous incidents at the Royal Hotel in recent months, including a glassing, a fight involving 50 people and drug-dealing outside the pub. John Baruch, who lives next door to the pub, said: "I have suffered from noise and the large fights going on. The village is starting to get a name as a late-night drinking place."

Is Mr Greaves a fit and proper person to hold a licence? Records show two companies of which he was a director, Old Flo's Ale House Ltd and Clayton Public House Ltd have been dissolved via compulsory strike-off by Companies House for not supplying company accounts. The usual motive for such non-compliance is to avoid payment of tax or creditors.

With regard to public nuisance, the applicant includes the provision of litter bins and a bottle bank inside the premises. There is no land outside the premises other than a narrow footpath, but a refuse bin has been placed on the pavement since the granting of a licence under the Temporary Event Notice system.

The latest application makes no reference to the provision of music, but whilst appreciating a licence is not required for recorded music, these premises are approximately 12 metres from bedroom and dayroom windows and balconies of residences.

As part of the planning permission granted, changes to upstairs windows were directed – windows to be non-opening to reduce noise nuisance, and glass to be changed to frosted glass to protect the privacy of residents adjacent to 9-11 Court Lane. To date, this has not been complied with. On numerous occasions windows have been open whilst the premises have been open for business under the TEN system, and frosted glass has not been installed.

Section 11.3 of the Licensing Policy states "The licensing Authority will consider routes used by customers when leaving 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."

The proximity of these premises to residential buildings and the potential for late night disturbance should be addressed.

Section 21.5 of the Licensing Policy states: "The licensing Authority expects the Operating Schedule to demonstrate how it is intended that the premises will be 'good neighbours' both to residents and other venues and businesses".

Sections 23.3 and 23.4 refer to the potential adverse impact on the surrounding area: "The noise generated by these activities (public entertainment, eating or drinking), especially customers leaving late at night, are intrusive when ambient noise levels are much lower."

"Much of Craven is very sensitive to the impact of licensed premises due to the fact that it is predominantly residential/rural in character or close to other noise sensitive premises."

We refer to the email from Mr Chadwick, Licensing Manager, dated Monday 11th March 2019, 4.41 pm, in which the following comments are made:

“On a side note just to clarify the name of the premise to you. The applicants Dad passed away I believe in the last 12 months in which he left some money for his son. This money is funding this venture. As his dad spent a lot of time as a referee (I am not sure if professionally or just for a local Sunday league) the name Ref and Whistle was just the applicants way to honour his late Dad. From what I have seen there is no indication that the bar will be anything other than a small micro bar. I mention this only in the hope it clears the reasons behind the name. The name is not a reflection of how the premise will operate, from my understanding.”

There is no mention of this information in any of the paperwork we have found for this application, and there is no reference as to the source. In publishing what appears to be hearsay, Mr Chadwick is showing bias in favour of the applicant.

The terms of this application are at odds with the concept of those of a micro bar which was the description of the business in the planning application. Reference is now made to opening hours from 11.00 to 00.00, and the provision of late night refreshments. The Micro Pub Association defines a micro pub as **“as a small free house which listens to its customers and mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks.”**

The original planning application referred to opening times of noon to 21.00 hrs., 7 days per week, to suit the residential nature of the area, and prevent nuisance from noise. The Applicant’s agent explained this as follows in the original Noise Management Plan,

“2. The proposed trading hours are 12.00 to 21.00, 7 days per week... The early closing time will prevent the generation of any additional noise in the late evening.”

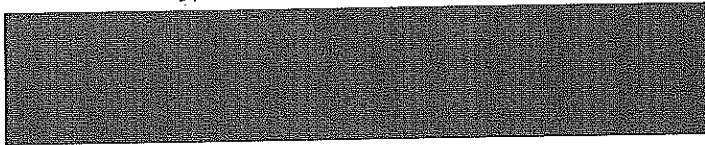
Despite regular distribution advertising the Ref and Whistle, there appears to have been little trade for the establishment. During opening days under the TEN system, only once has the closing time been 00.00, twice 22.00 hrs, with the majority of closing times between 20.00 and 21.00 hrs. The premises were closed by 17.00 hrs. on 19th. May. There have been occasions when groups of smokers/vapers have been chatting outside the premises blocking the pavement, but to date, their presence has not caused late night nuisance. The proposed provision of late night refreshments is likely to cause noise and nuisance to the properties in Providence Quarter.

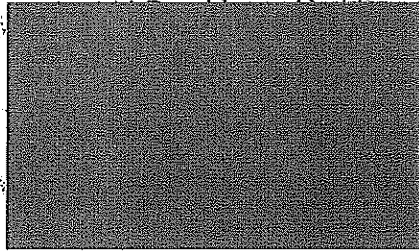
Previous decisions made by both Planning and Licensing Committees have recognised the implications of opening hours and noise nuisance in residential areas. The Tapas Bar, 7 Court Lane, adjacent to 9-11 Court Lane, is licensed from noon to 21.00 hours, as is the Early Doors Micro Bar in Newmarket Street. The micro bar in Newmarket Street is further away from residential property than 9-11 Court Lane.

Historically, change of use planning applications for 9-11 Court Lane have recognised the potential nuisance factor to adjacent properties. Notice of Grant of Permission issued 04/04/2016 includes conditions **"to safeguard the living conditions of nearby residents particularly with regard to the effects of noise and to protect nearby commercial businesses from potential noise nuisance."** With regard to the notice issued 01/05/2013, conditions were imposed **"to ensure that the extraction systemdoes not have a detrimental impact on neighbouring residential amenities or the character and appearance of the Conservation area"** and **"to ensure the development does not have an adverse impact on the amenities of neighbouring properties"**.

Despite precedent, the Planning Committee removed reference to opening hours contained in the application. The permission granted has placed a greater responsibility on the Members of the Licensing Committee to consider the potential nuisance impact of this application. We urge you to follow precedent and impose the hours originally requested, noon to 21.00 hours, in line with similar establishments in Skipton where there are fewer adjacent residences and which are further away from the licensed premises. Providence Quarter residences are approximately 12 metres from these premises.

Yours sincerely,

A large rectangular area of the document has been redacted with a heavy black stippled pattern, obscuring the signature and any text that might have been present below the closing.



The Licensing Manager
1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

23rd May 2019

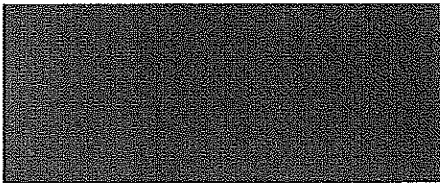
Re: LICENSING APPLICATION for "The Ref and Whistle", 9-11 Court Lane,
Skipton, BD23 1DD

Dear Sir/Madam,

I wish to object to the above Licensing Application for the grant of a premises licence in respect of premises known as The Ref and Whistle, 9-11 Court Lane, Skipton, BD23 1DD.

When the applicant first submitted a planning application in respect of this proposed microbar, back in the autumn of 2018, it was with opening hours until only 9pm. This new application, with extremely late-night opening hours until 12 midnight or 1am every night, including the playing of recorded music and the potential for noisy drinkers standing outside smoking on the narrow Court Lane pavement, is completely unacceptable and inappropriate in this residential area, less than 10 metres from the homes and bedrooms of Providence Quarter and Providence Cottage at 8 Court Lane.

Yours faithfully,



RECEIVED
24 MAY 2019

Tim Chadwick

From: [REDACTED]
Sent: 19 May 2019 14:47
To: Tim Chadwick
Cc: Licensing
Subject: Application for a licence - 9-11 Court Lane Skipton

Dear Mr Chadwick

I refer to previous correspondence about this property and my representations on previous applications as Craven District Councillor. I am now making a submission on the latest application as Skipton Town Councillor for Skipton North.

I wish to object strongly to the proposed opening hours of this micro bar in the licensing application. This case has been badly handled at the Council's Planning Committee when that Committee misguidedly chose not to decide on opening hours. It was left to the Licensing Committee and that makes any decision there of great importance to local residents in the Court Lane area.

I believe the opening hours should be as originally proposed by the Applicant in his planning application. These were 12.00 - 21.00 hours 7 days a week. It was the Applicant's agent who then explained this as follows in the original Noise Management Plan, "2. The proposed trading hours are 12.00 to 21.00, 7 days a week...The early closing time will prevent the generation of any additional noise in the late evening. 3. At this time, the Applicant has no plans to serve alcohol any later than 21.00. However, if there is strong demand for later opening hours, an application to vary the opening hours may be made in the future, once the bar has an established track record and the concerns of residential neighbours and the LPA have been eased."

It appears now that the Applicant did not mean a word of any of this. In licensing terms, the key objection, acknowledged in planning terms by the Applicant's agent above, is that only the shorter hours will prevent a public nuisance.

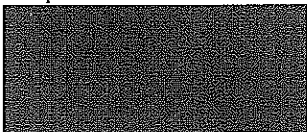
This area of Skipton has changed significantly with more residential property and this bar is very close to the residents of the Providence Quarter.

It is said that the bar will need to compete with other licensed premises in the town. However, I note another current licensing application for 30 Newmarket Street which is asking for opening hours only to 21.30 with alcohol being served until 21.00. Also one of the most successful small bars in Skipton is the Sound Bar. I am told it may have a licence for longer hours but its advertised opening hours are until 20.00 or 21.00 hours and no later. Hence there is no need for the longer hours now proposed.

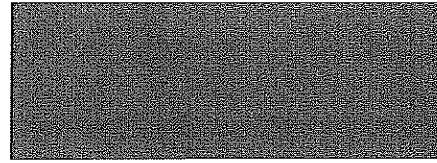
If this is truly a micro bar, and bearing in mind its location, I would ask that a licence is granted only until 21.00 each day.

Yours sincerely,
 John Dawson

Skipton Town Councillor
 Skipton North



Mr. T. Chadwick,
Licensing Manager,
Craven District Council,
1, Belle View Square,
Broughton Road,
Skipton.
BD23 1FJ



2nd April 2019

Dear Mr Chadwick,

**Re. Licensing Application for 9-11, Court Lane, Skipton, BD23 1DD
By Mr Simon Greaves.**

We are writing to express our concerns regarding the application above, which is for a license to sell alcohol in the 'Micropub', for which Mr Greaves has received planning permission to open in Court Lane.

We and our neighbours have registered our concerns and objections on numerous occasions to both the Planning approval and the Licensing application and we wish to register our strong objection to the latest change in the application for which we have until 25th April 2019 to raise objections. Our concerns are as follows;

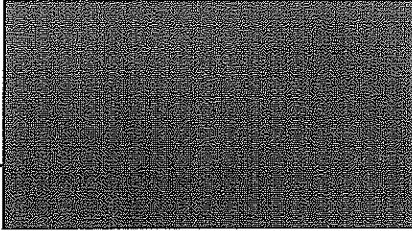
1. The location of the premises is very close to our homes in Providence Quarter and the noise and general nuisance this Microbar will create will prevent the peaceful enjoyment of our homes and is likely to affect the value of our properties.
2. When Mr Greaves first applied for permission to open a Micropub at this location he stated it was his intention to open from 12noon until 9.00pm, the same hours as the Tapas Bar next door to his premises and the Microbar in Newmarket Street. The planning Committee took these opening hours into account when his application was approved.
3. Since planning approval was granted he has applied for an alcohol license and after more than one change to his application his latest stated opening hours are 11.00am to 12 midnight.

The location of these premises is completely inappropriate for another Bar so close to residential properties, we and our neighbours are astonished that Craven District Council should be considering approval of the latest application for a license to sell alcohol considering Mr Greaves track record of operating similar enterprises in Craven and West Yorkshire.

We continue to be very concerned that Craven District Council does not appear to give the interests of its residents and council tax payers the consideration and protection they deserve.

This application should not be rubber stamped but be subject to a more rigorous investigation.

Yours sincerely,



Cc The Chief Executive, Craven District Council.

Tim Chadwick

To: [REDACTED]
Subject: RE: Licensing application 9-11 Court Lane Skipton

From: [REDACTED]
Sent: 28 May 2019 18:13
To: Tim Chadwick <TChadwick@cravendc.gov.uk>
Subject: FW: Licensing application 9-11 Court Lane Skipton

Dear Mr Chadwick,

I own apartment 1.09 in Providence Quarter. The apartment is directly opposite the bar on Court Lane. Its windows and balcony overlook the bar, and will be directly affected by its activities. There will inevitably be noise from the bar itself, from people entering and leaving, and particularly from people smoking and chatting outside the bar. There will also be traffic noise and pollution from suppliers to the bar, and the removal of waste.

All of this activity will significantly impact on the quiet enjoyment of my apartment, and of a number of nearby apartments, particularly if the bar is granted opening hours beyond those originally requested of 12.00 - 21.00.

I would ask members of the Licensing Committee to consider the considerable impact of later opening hours on the occupants of Providence Quarter, and to weigh this against the marginal, at best, benefits of there being another late opening bar in Skipton.

yours sincerely,

[REDACTED]

Appendix C

09 MAY 2019

8-5-19

Dear Mr. Chadwick,

Licence Application: 9-11 Court Lane, Skipton.

I write to object to the above application - received 1st May and representations by 29th May 2019.

I live in a third floor apartment in Providence Quarter which overlooks the Ref and Whistle microbar in Court Lane.

At night, this is an extremely quiet street and the adjoining tapas bar closes at 9pm. I understand that many other small microbars have licensing hours until 9pm in areas of residential accommodation within Skipton. This seems to be very sensible and for good reason.

I note from the application, that late night refreshments are proposed until 12.30 a.m.

This gives additional time for drinking after the pubs in town have closed, especially waterspoons in nearby Newmarket Street.

I am extremely concerned about the likelihood of noise and disturbances at such a late hour of the day. It is a very quiet area and noise travels very quickly and easily, given the proximity of the Ref and Whistle and apartments facing Court Lane in Providence Quarter. I object to licensing hours beyond the time of 9pm.

Yours Sincerely,

11/1/11

11/1/11

Tim Chadwick

From: [REDACTED]
Sent: 26 May 2019 21:04
To: Tim Chadwick
Subject: Ref and Whistle

Dear Mr Chadwick

Please would you add our objection to those received already concerning the proposal to allow the Ref and Whistle to open later than 9pm in the evenings.

We have read everything that has been submitted already and can only add our agreement with all the points that have been so well made by our neighbours.

Regards

[REDACTED]

Sent from my iPad



12 March 2019

For the attention of Craven Council Licensing Committee

Ref: Licence Application/ Simon Greaves 9-11 Court Lane Skipton (2018/19739/739/COU)

I wish to object to the granting of licensing hours beyond 21.00 in the above application.

I live in a flat on Court Lane. I purchased the flat to enjoy the benefits of town centre living, which are significant. I also accepted the fact noise is a downside. Noise reverberates up Court Lane and can be heard in the flat. Currently Friday and Saturday nights cause the most disturbances as people walk along Court Lane.


If the licence for 9-11 Court Lane is granted the noise will not be passing but staying in Court Lane. It is not realistic to think clients will not take their drinks and have a smoke outside the premises. Leaving the premises and awaiting taxis will increase the volume of people and therefore noise levels in the lane. This will disturb residents.

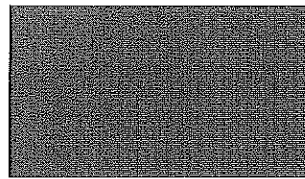
Please will you be considerate of this fact when granting the licensing hours?

If you wish to confirm the degree of noise reaching the flats you are most welcome contact me and arrange a visit to my flat.

Thank you for your consideration.

Yours sincerely





The Licensing Manager
Craven District Council
1, Belle Vue Square
Skipton
North Yorkshire
BD23 1FJ

23 May 2019

Dear Sir

Application for Grant of a Premises Licence for 9/11 Court Lane, Skipton BD23 1DD (latest application dated 1st May 2019)

I wish to object to the above application - the latest of three applications made by the Applicant for the same premises this year - and request that you agree to restrict the opening hours of this business to close no later than 21:00 hours as per the Applicant's original application to Craven District Council for planning permission. This is in line with most other local Microbars.

The latest licensing application describes the proposed establishment as a "Micro bar" (whereas in the Applicant's previous application it was described as a "Micro bar/wine bar"). Bearing in mind that the proposed name of the bar is to be "The Ref and Whistle", it gives the impression that the bar will be a Sports Bar, and not just a Micro Bar. Is it possible to obtain clarification on this?

Comments regarding the four licensing objectives are noted below, although it is noted that unlike his previous applications, the Applicant has given very limited answers, containing very little detail in this latest application :-

The Prevention of Crime and Disorder

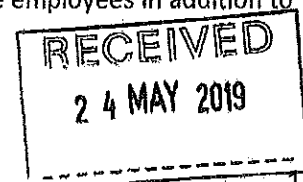
In his Planning Permission application to the Craven District Council Planning department, 2018/19739/COU, the applicant stated on that form that there would only be 2 part-time employees, plus himself.

He is now requesting opening hours of 11:00 to 24:00 hours each day and an hour extra at New Year with 30 minutes "drinking up" time, with the supply of alcohol both on and off the premises. I believe that this concern is still pertinent and should be given consideration by the Licensing Committee. Is it to be a Microbar, or a Microbar containing an Off-Licence facility?

Also, if the Applicant is given the opening hours that he has requested, will he then return to try and get even later opening hours, as occurred at the previous establishment that he ran in Bradford?

Public Safety

The application states that staff at the premises will receive training regarding emergency and safety features. It would seem that there is likely to be no more than 2 part-time employees in addition to



the Applicant, during the extensive operating hours requested, according to the original Planning Permission application to Craven DC.

Extra vehicles in the area are already causing a problem. People working on/visiting the property have been parking vehicles partly on the pavement/road outside the property for the past few weeks causing inconvenience for pedestrians and road users, as well as covering the single yellow line painted on the road.

Prevention of Public Nuisance

The applicant has stated

- (a) Litter bins provided internally. Please note that a bucket has been placed on the narrow pavement outside the premises both day and night since the Applicant opened the bar using his Temporary Events Notice (even when the premises are closed). Presumably the applicant will not now be placing a Bottle Bank outside the premises as mentioned in his previous applications? Perhaps this could be confirmed?
- (b) "Leave premises and area quietly notices to be displayed". Will this really have any effect on customers leaving the bar after drinking alcohol?
- (c) Alcohol is to be served on and off the premises. Will customers park outside when using the Off Licence facility? Again, is this a Microbar or an Off-Licence?
- (d) Taxis - It has been stated that Taxi numbers will be displayed for customers. Presumably the taxis will be picking up fares outside the bar up to the time the bar actually shuts, which will cause more noise and traffic?
- (e) "No drinks, other than those in sealed containers for "off sales", are to be taken off the Premises". Again, how will the limited staff numbers already noted by the Applicant in his Planning Permission application, over the extensive opening hours, prevent this?

The signage that the applicant has placed on the windows of the property shows that "locally sourced cooked food" will be available. Whilst it is appreciated that some food can be served under the A4 usage (previous A5 permission has now expired), no mention of cooked food has been made previously and, as you will see from the plans that the applicant submitted with his planning application (copy attached hereto), there is no kitchen area shown, and there would probably be limited space to have adequate kitchen facilities in the property. Cooking smells would also be likely to be a problem, especially if cooking goes on beyond 11pm, as per this current licensing application. Local residents - who are also Craven District Council Ratepayers - should be able to open their windows without having cooking smells wafting about until late at night. The application also states that late night refreshment will be provided both indoors and outside the premises. As there is no outside space other than the narrow pavement/public highway, where is it intended that this will take place? Will it become a Takeaway even though the previous A5 permission expired in April 2019?

Protection of Children from Harm

Nothing is mentioned about children coming past the premises having to walk in the narrow road, due to customers outside; waste bins and cars parked indiscriminately outside the property?

BACKGROUND TO THIS LICENSING APPLICATION

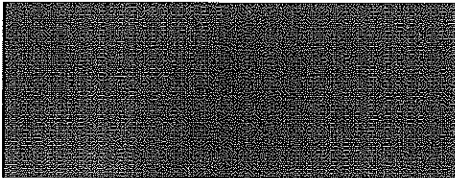
There would appear to have been several variations on the proposed operating hours of the business. On the original Planning Application (ref. 2018/19739/COU) for change of use of the premises, operating hours of 12:00 to 21:00 were requested. This then conflicted with the original Licensing application where hours from 12:00 to 23:00 were requested.

At the Craven DC Planning Committee Meeting held on 14 January 2019, Members voted to remove the restriction on opening hours - at variance to the application - as they felt that the question of hours was for the Licensing Committee to deal with. This prompted the Applicant to amend his Noise Management Plan to delete any reference to operating times and a new Licensing application has now been made. Hours requested have now been extended to Monday to Sunday 11:00 to 24:00 (plus half an hour drinking time) with an additional hour on New Year's Day morning, for both sale of alcohol on and off the premises, and provision of late night refreshment both on and off the premises.

As the hours requested appear to change with great regularity, and have varied from closing times of 20:00 hours (see attached copy email which was submitted in support of the Applicant's planning application) to 24:30 could there be some clarity on this. In the original planning application, the Applicant said "...The early closing time will prevent the generation of any additional noise in the late evening." This appeared to have changed when the Planning Committee decided to remove a restriction on the hours.

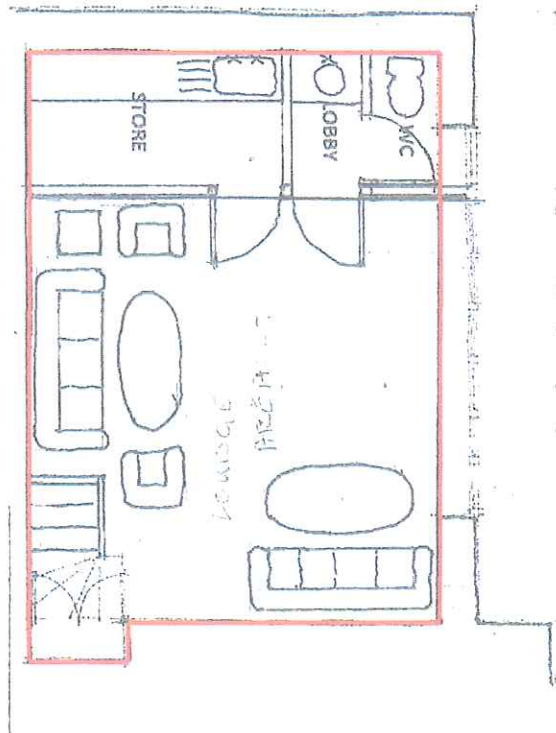
I am not against a new business being set up at the property, but it is not fair on local residents that they should have to tolerate late night noise; extra footfall; extra traffic and cooking smells on what is actually a fairly quiet backwater off the Town's High Street. Therefore, I hope that you can restrict the hours of opening to no longer than 21:00 hours (9pm) each day.

Your faithfully

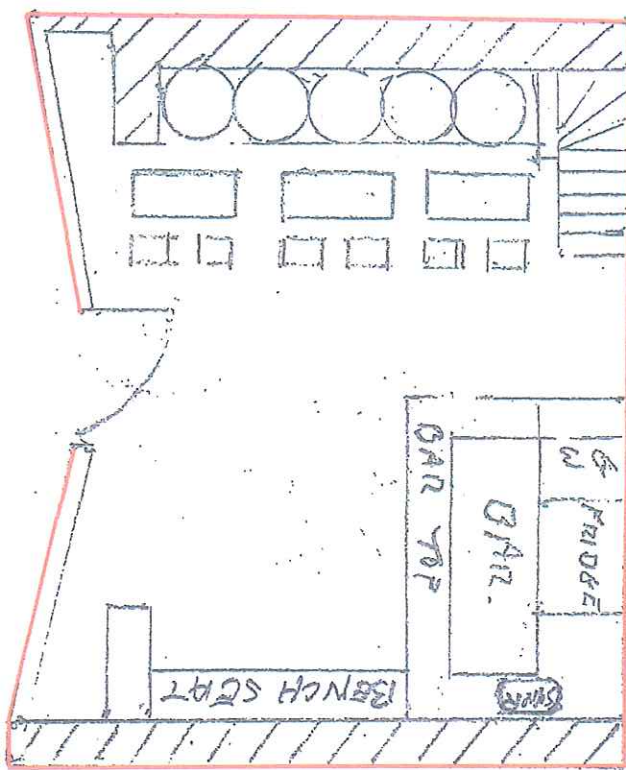


Documents attached :-

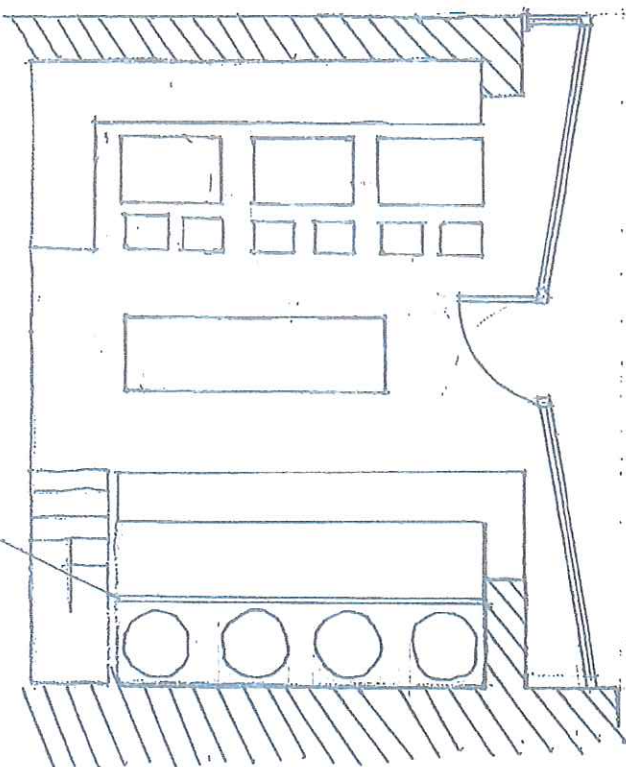
- Existing/proposed floor plan and property specification submitted to Craven DC Planning Department on 14/09/2018 by the applicant.



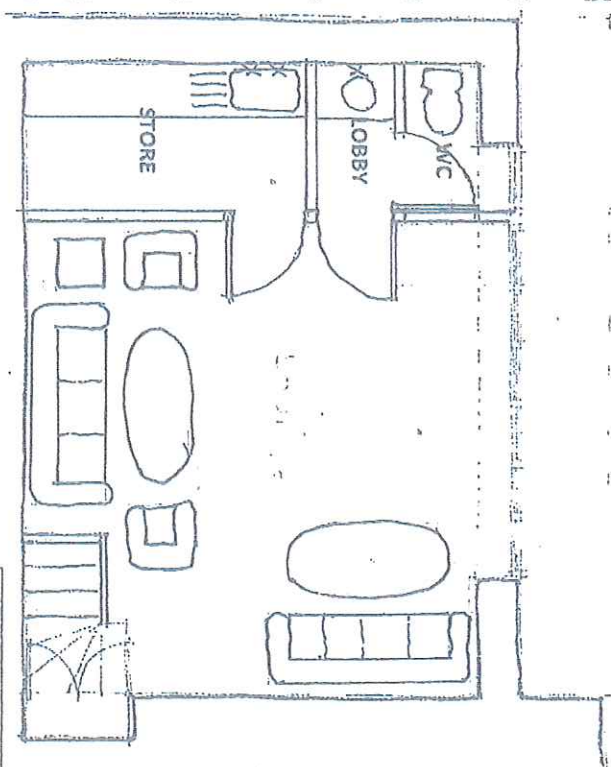
First Floor Lounge



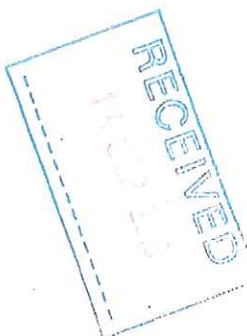
Ground Floor Bar



GROUND FLOOR BAR



FIRST FLOOR LOUNGE



Applicant	
Redswan Pensioners	
Arc House	
60 Gloucester Road	
Urmston	
MANCHESTER	
M41 9AE	
Agent	M O'Hara
Tel: 07831 566464	
Email: martin@ipinet.co.uk	
Address of Development	
9 Court Lane	
Skipton	
Title	
Survey	
Date	
5/3/2013	
Scale - 1:50	
Drawing No	Revision
9CL/5/1	

AREA

The historic town of Skipton provides comprehensive shopping and leisure facilities together with excellent primary and secondary schooling. Famous for its cobbled High Street and four days a week open street market, the town is within 10 minutes drive of the Yorkshire Dales National Park and close to the popular holiday destinations of Malham, Grassington and Bolton Abbey. The town's railway station has regular services to Leeds, Bradford & Lancaster/Carlisle and a daily service direct to London Kings Cross. The major towns of East Lancashire and West Yorkshire are all within easy commutable distance.

DESCRIPTION

Recently improved double retail unit with large fully glazed shop front and central fully glazed door, the property is located close to Skipton High Street and the town's main High Street car park. The property has permitted use for A1 retail, A2 financial services, A3 restaurant & cafe or A5 hot food takeaway

GROUND FLOOR RETAIL

Retail sales space 290 sq ft (31.40 m²) Well proportioned retail area with large display window. Laminate floor covering, ceiling mounted strip lighting and spot lights behind the shop window area. Staircase to the rear of the shop leads up to the first floor office area.

FIRST FLOOR OFFICE

Office/display area 200 sq ft (21.80 m²) Good size open space with high ceiling and exposed painted beams and large double glazed uPVC window overlooking Court Lane. Door leads to the kitchen and WC area

KITCHENETTE & WC

Comprising a stainless steel sink with mixer tap set within granite worktop with tile splashback over. Beech effect base units and wall storage unit. Door leads to WC.



RATING ASSESSMENT

The property has a rateable value of £7500 (2017 list). Information taken from www.voa.gov.uk

LEASE TERMS

The property is offered by way of a new full repairing and insuring lease for a term of 3 years or multiples thereof with three yearly rent reviews.

LEGAL COSTS

The ingoing tenant will be required to contribute £500 plus VAT toward the landlords legal fees incurred in the transaction

VIEWING

Strictly by appointment through the agents Carling Jones - contact Mark Carling or Ian Carling at the Skipton Office

SERVICES

We have not been able to test the equipment, services or installations in the property (including heating and hot water systems) and recommend that prospective purchasers arrange for a qualified person to check the relevant installations before entering into any commitment

AGENT'S NOTE & DISCLAIMER

These details do not form part of an offer or contract. They are intended to give a fair description of the property, but neither the vendor nor Carling Jones accept responsibility for any errors it may contain. Purchasers or prospective tenants should satisfy themselves by inspecting the property



Agents Note: Whilst every care has been taken to prepare these sales particulars, they are for guidance purposes only. All measurements are approximate and for general guidance purposes only and whilst every care has been taken to ensure their accuracy, they should not be relied upon and potential buyers are advised to recheck the measurements.

68 High Street, Skipton, North Yorkshire, BD23 1JJ

T. 01756 759163 e. mark@carlingjones.co.uk
www.carlingjones.co.uk



29th May 2019

Mr Tim Chadwick
Licensing Manager,
Craven District Council

Dear Mr Chadwick,

Re: Licensing Application for the Ref and Whistle Bar, 9-11 Court Lane, Skipton

I am writing to you in support of the objections from nearby residents to the proposed extended hours for this bar. I apologise for being unable to attend the meeting of the Licensing Committee on 20th June as I have a pre-arranged training session for new councillors in Leeds.

There appear to me to be clear reasons why the hours should not be extended beyond 9pm and I commend the residents for not demanding the closure of the bar but just a maintenance of the original hours proposed by the applicant and I seek to summarise some of the key reasons, as I see them, below. There are far more detailed submissions before you.

I should begin by noting the residents' qualms that CDC's Planning committee removed all references to opening hours from the Planning Approval. I wasn't aware of that decision having only been elected in May 2019 and don't know the Committee's rationale for doing so.

The objectives of the Licensing Committee I believe are the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm.

Crime and disorder and Public safety

Late night opening will inevitably have a negative effect on the peace and quiet of local residents. To quote one resident: *The Applicant's agent originally stated that "The proposed trading hours are 12.00 to 21.00, 7 days per week... The early closing time will prevent the generation of any additional noise in the late evening."*

It is worth noting that other nearby micro bars all close at 9pm at the latest, indeed the adjacent Tapas bar is only licensed until 21.00, although none of these bars have the potential to affect as many residential properties. It has also been pointed out to me that previous Permissions have frequently urged care to local residents and a later opening time would go against previous conditions imposed on businesses on the lane and thereby potentially affect residents because of anti-social behavior and drunkenness from punters leaving the bar after a few beers. To that can be added the noise from taxis arriving and departing late at night and car doors slamming shut etc.

Court Lane is a narrow, one-lane street which I know well as I live within 200m and frequently use the street as a path in or out of town. Any traffic on Court Lane makes life difficult for pedestrians because the footpath is so narrow. Obviously the bar needs deliveries of stock but, as has been shown to me by residents, these often cause a blockage of the road

and this is something that in spite of its inconvenience and potential danger to pedestrians as other vehicles try to squeeze past, residents have put up with this.

Prevention of public nuisance and Protection of children from harm.

The applicant includes the provision of litter bins and a bottle bank inside the premises. There is no land outside the premises other than a narrow footpath, but a small refuse bin has been placed on the pavement which residents have noted has been left out overnight and could hardly be described as in any way adequate for the purpose (I'm not sure what that is exactly) but certainly would be an obstacle to a partially-sighted pedestrian or any pedestrian walking on the street in the winter. Is this bin provided primarily for smokers? Residents have noted customers smoking and vaping on the street and bottles in the 'litter bin'. Are customers drinking on the street? Young families live nearby, not least at Providence Cottage. There are well-grounded concerns from residents as to how the applicant will deal with waste/recycling from customers making use of alcohol and food provided in the extended hours. How will bottles be dealt with? Collected? Recycled? At what times?

The latest application makes no reference to the provision of music, however, the proximity of the premises to bedroom and dayroom windows and balconies of residences should be considered.

As part of the planning permission granted, changes to upstairs windows were directed – but this has not been complied with.

As a resident of Skipton, a customer of bars in town from time to time and now an elected Councillor I wish to encourage new businesses but given the proximity of businesses and residents in this small town, which I welcome, I would urge businesses to show some care for residents and recognition of their needs too. For these reasons I ask you to follow precedent and impose the hours originally requested, noon to 21.00 hours, in line with similar establishments in Skipton and strike a balance between the needs of businesses and those of residents.

Yours sincerely

David Noland
Ward Councillor

Conditions Proposed by North Yorkshire Police

On behalf of the applicant the agent accepted these conditions proposed on 9th May 2019.

Annex 2 Conditions consistent with the operating schedule:-

CCTV

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

Staff Training

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-
 - Retail sale of alcohol
 - Age verification policy
 - Conditions attached to the Premises License
 - Permitted Licensable activities
 - The Licensing objectives and
 - The Opening Times of the venue.
3. With such training (condition 2) documented records shall be kept for a minimum of one year and will be made available immediately upon a reasonable request from any Responsible Authority.
4. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.
5. Both Refusals and Incident Report registers shall be kept for at least 1 year and they will be made available immediately upon a reasonable request from any Responsible Authority. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]:
6. The premises DPS is responsible for risk assessing the need for SIA Door staff at the venue. Special considerations should be given to the need for Door staff on Fridays, Saturdays, bank holidays or other locally or nationally significant events.
7. Where Door staff are on duty they shall sign in and out of the premises log book, providing full details of their names and SIA number.

Prevention of Public Nuisance

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 or (licensed area) onto the pavement or highway.

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

Protection of Children from Harm

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

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

13. There will be no adult entertainment.

Tim Chadwick

From: Andrew Dent
Sent: 16 May 2019 11:49
To: Tim Chadwick
Subject: Ref and Whistle - Noise Monitoring Update - 10th May 2019

Good morning Mr Chadwick,

Further to the licensing application for the Ref and Whistle, Skipton, and concerns from residents about noise emanating from the premise. Myself and Mr Tarn visited one of residents flats in Providence Quarter, Skipton, to undertake noise monitoring to establish as to whether there is, or is likely to be an issue on the 10th May 2019. We arrived at Providence Quarter, Skipton, at 21:00 and observed that the Ref and Whistle was closed. Mr Tarn drove past the premise at approximately 20:50 and observed that it was open and had 2 people inside.

As the bar was closed when we arrived at Providence Quarter it is difficult to determine as to whether noise will be a problem.

Kind regards,

Mr Andrew Dent MCIEH
Senior Environmental Health Officer

1 Belle Vue square
Broughton Road
Skipton
BD23 1FJ

01756 706297

Andrew Dent
Environmental Health Officer
ext: 46297

 Please consider the environment before printing this e-mail.

