

REPORT TO: Licensing Sub-Committee

DATE: Thursday 21 October 2021

DEPARTMENT: Community Services

REPORTING OFFICER: Director of Community Services
(Report written by Wan Malachi)

SUBJECT: Licensing Act 2003
Claro Social
42 High Street
Knaresborough
HG5 0EJ

WARD/S AFFECTED: Knaresborough

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to determine an application for a premises licence under the Licensing Act 2003.

2.0 RECOMMENDATION/S

2.1 The application must be determined taking all factors into consideration.

2.2 The options are:

1. To grant the licence
2. To grant the licence with conditions
3. To reject the application in whole or in part.

2.3 Any licence granted will be subject to:

- Any conditions imposed by the Licensing Sub-Committee
- Any mandatory conditions which must be included on the licence under section 19, 20 or 21 of the Licensing Act 2003 (Appendix 2)
- The mandatory conditions imposed by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (Appendix 2)

3.0 RECOMMENDED REASON/S FOR DECISION/S

- 3.1 Application for a premises licence under the Licensing Act 2003.
- 3.2 The applicant is Major Point Bars Ltd, 32 Park Cross Street, Leeds, LS1 2QH

3.3 Details of the application:

The premises will be a collaboration between Major Tom’s Social, based in Harrogate, and local Knaresborough brewery Turning Point Brew Co. The intention is to offer a local and family friendly independent bar and restaurant. The premises have applied for recorded music, films and retail sale of alcohol both on and off the premises. A copy of the application is attached at appendix 1

3.4 Licensable activities:

Recorded Music

Sunday to Saturday 23:00 to 00:00

Films

Sunday to Saturday 12:00 to 23:00

Sale by retail of alcohol

Sunday to Saturday 11:00 to 23:00

Hours that premises are open to the public

Sunday to Saturday 1200 to 00:30

3.5 Details of the proposed operating schedule are as follows:

Appendix 2 - Mandatory Conditions

Appendix 3 - Conditions consistent with the operating schedule

Appendix 4 - Plans

4.0 PROMOTION OF LICENSING OBJECTIVES

4.1 Section 4 of the Licensing Act 2003 places a duty on the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder
- Public safety

- The prevention of public nuisance
- The protection of children from harm

4.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5.1 Representations have been received from Harrogate Borough Council Environmental Protection on the objective of public nuisance.

5.2 The representation is attached at appendix 5.

5.3 The applicant has accepted the Environmental Protection representation in full and agreed to the conditions contained in the representation. This correspondence is attached at appendix 6.

5.4 Representations have been received from North Yorkshire Police on the objective of the prevention of crime and disorder and prevention of public nuisance.

5.5 The representation is attached at appendix 7.

5.6 The applicant has accepted the North Yorkshire Police representation in full and agreed to the conditions contained in the representation. This correspondence is attached at appendix 8.

6.0 REPRESENTATIONS FROM ANOTHER PERSON

6.1 There are thirteen representations received from other persons.

These representations are attached at appendix 9.

6.2 The applicant provided a written response in answer to some of the representations which is attached at appendix 10

7.0 POLICY CONSIDERATIONS

7.1 The following sections of the Harrogate Borough Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application:

- Disturbance and environment - sections 4, 6 and 9
- Crime and disorder - sections 4 and 6
- Public safety - section 4
- Protection of children - sections 4 and 6

8.0 OTHER GUIDANCE FOR CONSIDERATION

8.1 The following sections of the Guidance issued under section 182 of the Licensing Act 2003 (updated April 2018) issued by The Secretary of State for Culture, Media and Sport are relevant in considering the licensing objectives in relation to this application:

- Crime and disorder Section 2.1
- Public safety Section 2.7
- Public nuisance Section 2.15
- Protection of children from harm Section 2.22

9.0 ASSOCIATED PAPERS

Appendix 1 – Copy of application

Appendix 2 – Mandatory Conditions imposed under Licensing Act 2003

Appendix 3 – Conditions consistent with operating schedule

Appendix 4 – Copy of the premises plan

Appendix 5 – Representation from Environmental Protection

Appendix 6 – Agreement to conditions and withdrawal of Environmental Protection representation

Appendix 7 – Representation from North Yorkshire Police

Appendix 8 – Agreement to conditions and withdrawal of North Yorkshire Police representation

Appendix 9 – Representations from other persons

Appendix 10 – Written response to representations from applicant

10.0 FINANCIAL IMPLICATIONS

10.1 Finance staff have been consulted during preparation of this report and comments are provided in the paragraph below. / Consultation with finance staff was not necessary during the preparation of this report.

10.2 No matters were identified.

11.0 HUMAN RESOURCES IMPLICATIONS

11.1 Consultation with the Human Resources section was not necessary during the preparation of this report.

12.0 LEGAL IMPLICATIONS

12.1 The Legal section has been consulted during preparation of this report.

13.0 ICT IMPLICATIONS

13.1 Consultation with the Technical Advisory Board (TAB) was not necessary during preparation of this report.

14.0 RISK ASSESSMENT

14.1 A risk assessment has been undertaken and the major risks are outlined below.

14.2 No major risks were identified.

15.0 EQUALITY AND DIVERSITY

15.1 An Equality and Diversity Impact Assessment has been undertaken and the impact of this proposal on race, disability and gender equality in the local community or in the Council is set out below.

15.2 No risks were identified.

16.0 HUMAN RIGHTS

16.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions: -

16.2 **Article 1** of the first protocol – every person is entitled to the peaceful enjoyment of his/her possessions.

16.3 **Article 6** - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

16.4 **Article 8** – everyone has the right to respect for his/her home and private and family life.

17.0 CONCLUSIONS

17.1 An application has been made for a premises licence by Major Points Ltd for Claro Social, 42 High Street, Knaresborough, HG5 0EJ. Conditions agreed with Environment Protection and North Yorkshire Police will form part of the conditions proposed in the operating schedule

17.2 There are thirteen representations for the Sub-Committee to consider as attached at Appendix 9.

Background Papers - None

<p>OFFICER CONTACT: Please contact the Licensing Team if you require any further information on the contents of this report. The Team can be contacted at Licensing, Harrogate Borough Council, P.O. Box 787, Harrogate, HG1 9RW, by telephone on 01423 500600 01423 500600 or by e-mail at licensing@harrogate.gov.uk</p>
