

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing and Appeals Hearings Panel  
30 September 2014

**From:** Director of Environmental and Planning Services

**Subject:** **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE.  
WHITE SWAN, WEST END, STOKESLEY**

Stokesley Ward

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### **1.0 SUMMARY**

- 1.1 This report asks the Panel to consider an application for the variation of a premises licence in respect of the White Swan, West End, Stokesley, TS9 5BL.
- 1.2 The White Swan is currently the subject of a premises licence and copy of the licence is attached at Annex A.

### **2.0 PROCEDURE**

- 2.1 The procedure for licensing hearings is included as an annex to the agenda.

### **3.0 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE**

- 3.1 The application was received by the Licensing Team on 5<sup>th</sup> August 2014 and it seeks to authorise entertainment in the form of live music and recorded music. It also seeks to extend the hours for the provision of late night refreshment and the sale of alcohol.
- 3.2 The proposed hours for the activities are shown on the application form, which is attached at Annex B.
- 3.3 In addition to the statutory Responsible Authorities, the application was forwarded to Stokesley Parish Council and the District Councillors for the Stokesley Ward.
- 3.4 There is no statutory obligation to consult with residents on an individual basis but, in accordance with the legislative requirements, advertisements were placed in the local newspaper and on the premises to which the application relates.
- 3.5 Following consultation with North Yorkshire Police, an amendment has been made to the applicant's operating schedule to identify additional steps that will be taken in order to further promote the licensing objectives. The amendment also includes alterations to the proposed hours for the playing of recorded music and the sale of alcohol. The amendment is attached at Annex C.
- 3.6 Following consultation with the Council's Environmental Health Team, a further amendment has been made to the applicant's operating schedule to identify additional steps that will be taken in order to further promote the licensing objectives. The amendment is attached at Annex D.

#### **4.0 PROMOTION OF THE LICENSING OBJECTIVES**

4.1 The four licensing objectives set out in the Licensing Act 2003 are:-

- 4.1.1 the prevention of crime and disorder;
- 4.1.2 public safety;
- 4.1.3 the prevention of public nuisance;
- 4.1.4 the protection of children from harm.

4.2 The Panel must carry out its functions with a view to promoting the licensing objectives.

#### **5.0 REPRESENTATIONS**

5.1 28 relevant representations have been made by interested parties in respect of the application.

5.2 In general, the representations relate to the concern that residents in nearby properties are likely to be exposed to unacceptable levels of noise caused by live music, recorded music and patrons of the premises. There are also a number of other concerns about potential issues relating to the licensing objectives.

5.3 All 28 representations are attached at Annex E and Members should be aware that two individuals have submitted two representations each opposing the application.

5.4 3 of the 28 representations are in support of the application.

5.5 Members should be aware that the vast majority of the representations against the application were submitted without prior knowledge of the amendments outlined in paragraphs 3.5 and 3.6 of this report.

#### **6.0 POLICY CONSIDERATIONS:**

6.1 In carrying out its licensing functions the Panel is required to have regard to:-

- 6.1.1 its Licensing Statement;
- 6.1.2 any guidance issued by the Secretary of State.

6.2 Sections 3 to 7 of the Council's Statement of Licensing Policy are applicable to this application and are attached at Annex F.

6.3 Section 9 of the Home Office's Amended Guidance issued under Section 182 of the Licensing Act 2003, to which advice the Panel must have regard, is attached at Annex G.

#### **7.0 DETERMINATION BY THE PANEL**

7.1 The Panel must, having regard to the representations, take such of the steps mentioned in 7.2 as it considers appropriate for the promotion of the licensing objectives.

7.2 The steps are:-

- 7.2.1 to grant the licence as applied for (subject to any conditions as are consistent with the operating schedule as amended),
- 7.2.2 to grant the licence subject to any additional conditions that Members consider appropriate for the promotion of the licensing objectives,

7.2.3 to reject the whole or part of the application.

MICK JEWITT

**Background papers:** None

**Author ref:** SF

**Contact:** Simon Fisher  
Licensing Officer

300914 White Swan

**HAMBLETON****DISTRICT COUNCIL****Licensing Act 2003****Premises Licence Summary****Premises Licence Number**

05\_PREMC\_00641

**Part 1 Premises Details****Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Postcode**

The White Swan  
 1 West End  
 Stokesley  
 Middlesbrough  
 TS9 5BL

**Telephone number** 01642 710263**Where the licence is time limited the dates**

-

**Licensable activities authorised by the licence**

L. Late night refreshment  
 M. Supply of alcohol

**Times the licence authorises the carrying out of licensable activities**

L. Late night refreshment	Monday to Saturday	23:00 - 23:30
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M. Supply of alcohol		-
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on weekdays (Monday to Saturday), other than Christmas Day, Good Friday or New Year's Eve, 11am to 11pm;

on Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm;

on Good Friday, 12 noon to 10.30pm;

on Christmas Day, 12 noon to 3pm and 7pm to 10.30pm;

on New Year's Eve, except on a Sunday, 11am to 11pm;

on New Year's Eve on a Sunday, 12 noon to 10.30pm;

on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

**The opening hours of the premises**

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

Alcohol may be supplied for consumption both on and off the Premises

**Name, (registered) address of holder of premises licence**

Mr Stephen John Irvine  
The White Swan  
1 West End  
Stokesley  
Middlesbrough  
TS9 5BL

**Registered number of holder, for example company number, charity number(where applicable)**

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Stephen John Irvine

**State whether access to the premises by children is restricted or prohibited**

**HAMBLETON**

**DISTRICT COUNCIL**

**Licensing Act 2003**

**Premises Licence**

**Premises Licence Number**

05\_PREMC\_00641

**Part 1 Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Postcode**

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Stokesley  
Middlesbrough  
TS9 5BL

**Telephone Number** 01642 710263

**Where the licence is time limited the dates**

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**Licensable activities authorised by the licence**

L. Late night refreshment  
M. Supply of alcohol

**Times the licence authorises the carrying out of licensable activities**

L. Late night refreshment                      Monday to Saturday                      23:00 - 23:30

M. Supply of alcohol

on weekdays (Monday to Saturday), other than Christmas Day, Good Friday or New Year's Eve, 11am to 11pm;  
on Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm;  
on Good Friday, 12 noon to 10.30pm;  
on Christmas Day, 12 noon to 3pm and 7pm to 10.30pm;  
on New Year's Eve, except on a Sunday, 11am to 11pm;  
on New Year's Eve on a Sunday, 12 noon to 10.30pm;  
on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

**The opening hours of the premises**

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

Alcohol may be supplied for consumption both on and off the Premises

**Part 2**

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

Mr Stephen John Irvine  
The White Swan  
1 West End  
Stokesley  
Middlesbrough  
TS9 5BL

Email [steve@nycatering.co.uk](mailto:steve@nycatering.co.uk)

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Stephen John Irvine  
Dog & Gun Inn  
2 Cooper Lane  
Potto  
North Yorkshire  
DL6 3HQ

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence number: DURHAM716

Licensing Authority: Durham City Council

## **Annex 1 - Mandatory conditions**

- 1 No supply of alcohol shall be made under the Premises Licence:-
  - (a) at any time when there is no designated Premises Supervisor in respect of the Premises Licence; or
  - (b) at any time when the designated Premises Supervisor does not hold a Personal Licence or his / her Personal Licence is suspended.
- 2 Every supply of alcohol under the Premises Licence shall be made or authorised by a person who holds a Personal Licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.



7 The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **Embedded Conditions**

#### **1 Alcohol shall not be sold or supplied except during permitted hours.**

In this condition, permitted hours means those hours specified in part 1 of this licence but subject to the conditions below.

The above restrictions do not prohibit:-

(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(b) the sale of supply to, or consumption by, any person residing in the licensed premises or the taking of alcohol from the premises by a person residing there;

(c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(d) the sale of alcohol to a trader or club for the purposes of the trade or club;

(e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

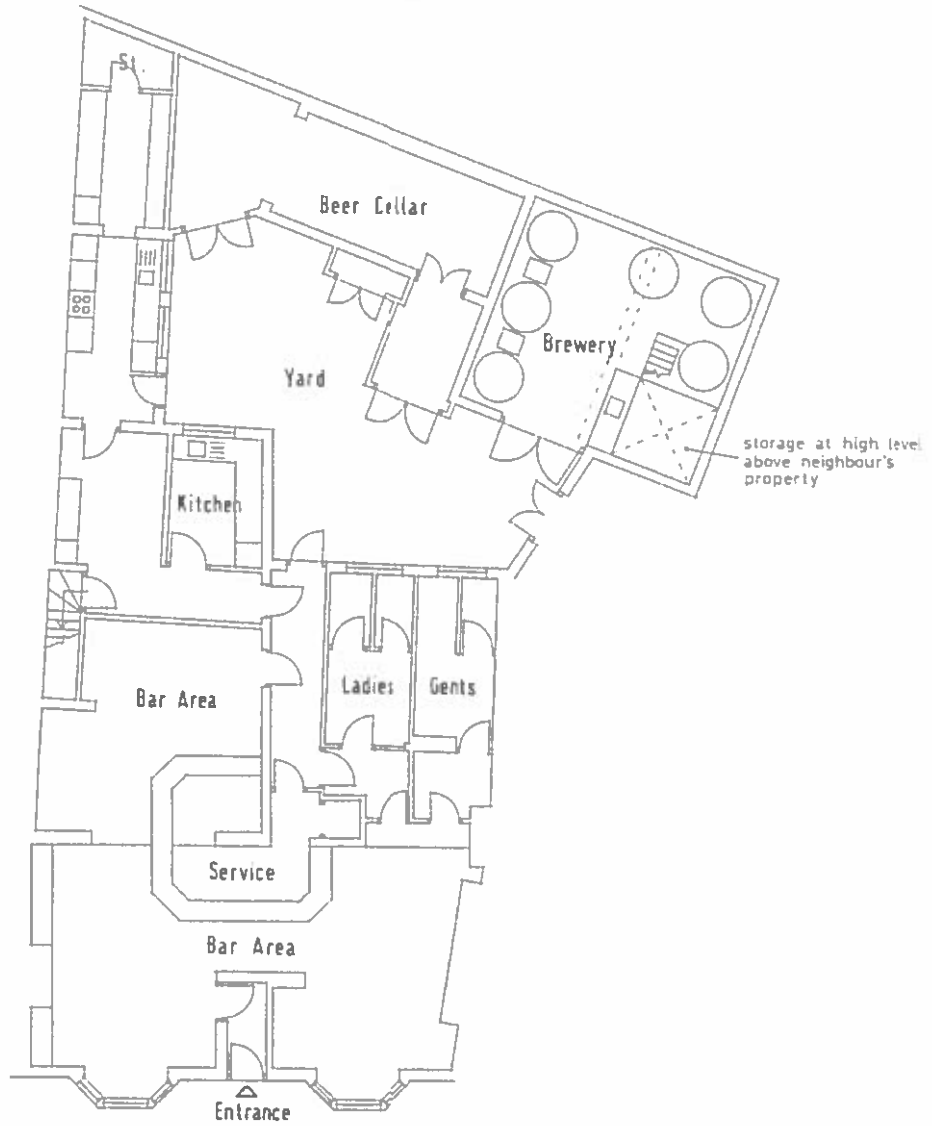
(f) the taking of alcohol from the premises by a person residing there; or

(g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense,

or the consumption of alcohol by persons so supplied; or

(h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

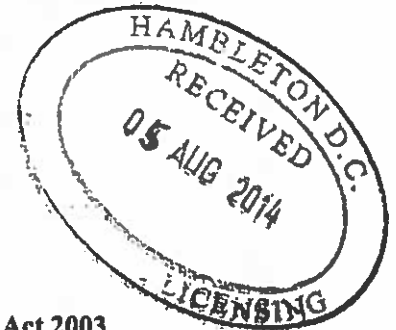
**Annex 3 - Conditions attached after a hearing by the licensing authority**



5/8/14 ZZST00030271

To: Licensing Team, Hambleton District Council, Civic Centre, Stone Cross, Northallerton DL6 2UU

**HAMBLETON**  
**DISTRICT COUNCIL**



Application to vary a premises licence under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We STEPHEN JOHN IRVINE  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 05 - PREMC - 00641

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description

THE WHITE SWAN  
1 WEST END  
STOKESLEY  
CLEVELAND

Post town	<u>STOKESLEY</u>	Postcode	<u>TS9 5BL</u>
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Telephone number at premises (if any)	<u>01642 710263</u>
Non-domestic rateable value of premises	<u>£16,500.00</u>

HAMBLETON D.C.			
REC'D 05 AUG 2014			
PES	RES	CX	
		ACK	

**Part 2 – Applicant details**

Daytime contact telephone number	01642 710263 #07718707064 .		
E-mail address (optional)	maul@captaincookbrewery.com		
Current postal address if different from premises address	THE SAME		
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

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

Yes

No

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

PUBLIC HOUSE BUILT IN THE 18<sup>TH</sup> CENTURY, ONE OF THE OLDEST PUBS IN STOKESLEY WHICH HAS SEATING FOR UP TO 80 CUSTOMERS. THERE IS ONE MAIN ROOM WITH A CENTRAL BAR.

WE HAVE FOUND THAT THE CURRENT DRINKING TRENDS OF THE CUSTOMERS IN STOKESLEY ARE GETTING LATER DUE TO CUSTOMERS DRINKING AT HOME AND STARTING TO THEREFORE TURN OUT LATER TO SOCIALIZE.

WE HAVE ALSO FOUND THAT WE DO NOT GET A FAIR SHARE OF THE MARKET DUE TO OUR VERY OLD RESTRICTED LICENCE.

WE WOULD THEREFORE LIKE TO COME IN LINE WITH THE OTHER 3 PUBS IN STOKESLEY, TO HELP US DURING THESE DIFFICULT FINANCIAL TIMES.

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

N/A

#### Part 4 Operating Schedule

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

##### Provision of regulated entertainment

Please tick all that apply

- 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) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

**In all cases complete boxes K, L and M**



A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)  N/A	Indoors	<input type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both			<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (please read guidance note 5)			
Sat						
Sun						

B

<b>Films</b> <b>Standard days and timings</b> (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)  N/A		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			N/A
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			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 5)
Thur			
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> <b>Standard days and timings</b> <b>(please read guidance note 6)</b>			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>  NI   A		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<u>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 5)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	23.15	Please give further details here (please read guidance note 3) <b>LIVE MUSIC</b>		
Tue	11.00	23.15			
Wed	11.00	23.15	State any seasonal variations for the performance of live music (please read guidance note 4) <b>TO COINCIDE WITH THE NEW PROPOSED CLOSING TIMES</b>		
Thur	11.00	23.30			
Fri	11.00	23.30	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 5) <b>31<sup>ST</sup> DECEMBER: 11.00 TO 01.00.</b>		
Sat	11.00	23.30			
Sun	11.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	24.00	<u>Please give further details here (please read guidance note 3)</u> EASY LISTENING BACK GROUND MUSIC (RECORDINGS)		
Tue	11.00	24.00			
Wed	11.00	24.00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> TO COINCIDE WITH THE NEW CLOSING TIMES		
Thur	11.00	24.00			
Fri	11.00	00.30	<u>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 5)</u>		
Sat	11.00	00.30	31 <sup>ST</sup> DECEMBER: 11.00 TO 01.30.		
Sun	11.00	23.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)  N/A	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b>          Standard days and timings          (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><u>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</u></b>          (please read guidance note 5)</p>		
Sun					



I

Late night refreshment Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.00	24.00	<b>Please give further details here</b> (please read guidance note 3) EXTEND SALE OF ALCOHOL HOURS (≠ PROVISION OF ALCOHOL)		
Tue	11.00	24.00			
Wed	11.00	24.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	11.00	24.00			
Fri	11.00	00.30	<b>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</b> (please read guidance note 5)		
Sat	11.00	00.30			
Sun	11.00	23.30			





Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## M

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

### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

CONTINUE TO ~~WITH~~<sup>UP</sup> HOLD THE WELL RESPECTED REPUTATION OF THE WHITE SWAN. TO PROVIDE A PLEASANT SOCIAL EXPERIENCE TO OUR LOYAL AND DISCERNING CUSTOMERS.

### b) The prevention of crime and disorder

WE ARE A VERY ACTIVE MEMBER OF PUB WATCH. WE WORK CLOSELY WITH STOKESLEY POLICE STATION WITH THEIR RING ROUND POLICIES, WALK THROUGHS AND ANTI-DRUG POLICIES.

### c) Public safety

WE PROVIDE A SAFE VENUE FOR SOCIALISING AGAIN BEING A MEMBER OF PUB WATCH. FIRE CERTIFICATES, EMERGENCY LIGHTING AND SECURITY SYSTEMS AS WELL AS ALL OUR FIXTURES AND FITTINGS MAINTAINED.

### d) The prevention of public nuisance

WORKING ALONG SIDE STOKESLEY POLICE, TO PREVENT ANY TROUBLE MAKERS ENTERING THE PREMISES. CLOSING WINDOWS AND DOORS WHENEVER SOUND LEVELS ARE INCREASED.

### e) The protection of children from harm

NO CHILDREN ARE PERMITTED UNLESS AUTHORIZED BY THE LANDLORD.

Checklist:

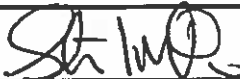
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	31/08/14
Capacity	DIRECTOR / LANDLORD

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). 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 13)

THE WHITE SWAN 1 WEST END STOKESLEY			
Post town	STOKESLEY	Post code	TS9 5BH
Telephone number (if any)	01642 710263		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) mail@captaincookbrewery.com			

**Linda Doughty**

---

**From:** Captain Cook Brewery <mail@captaincookbrewery.com>  
**Sent:** 27 August 2014 18:13  
**To:** 'Balmforth, Matthew'  
**Cc:** licensingteam  
**Subject:** RE: The White Swan, West End, Stokesley [NOT PROTECTIVELY MARKED]

F.A.O: The Licensing team at Hambleton District Council

After a meeting with Matthew Balmforth (North Yorkshire Police) discussing the application for a change of hours to our premises license and taking on board comments and concerns from my neighbours and public of Stokesley I would like to agree the following amendments to my application.

The amendments would allow us to compete with the other 3 pubs in the town of Stokesley "for our clientele" to enjoy the later times which is now part of the habits & trends of our society at the moment.

The conditions on the application will help immensely with any concerns from the public and improve revenue in these difficult times for our pub.

I have always kept a high standard of clientele at the White Swan (as from previous Landlords). This will continue to be the case should my application be passed.

Unfairly....the term "Reveler" has been mentioned in 2 applications... Anyone who knows the Swan and is a regular in the Swan knows that Revelers are not associated with The White Swan and never will.

Our average age is close to "60".

I hope this information helps.

Please kindly amend my application as below...

Regards,

Steve Irvine  
 Landlord

---

**From:** Balmforth, Matthew [mailto:Matthew.Balmforth@northyorkshire.pnn.police.uk]  
**Sent:** 27 August 2014 14:55  
**To:** mail@captaincookbrewery.com  
**Cc:** licensingteam@hambleton.gov.uk  
**Subject:** The White Swan, West End, Stokesley [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED

Greetings Mr Irvine,

Please could you have a look at the attached proposed conditions and amendment to the operating schedule. If you are in agreement with these conditions and new operating times to be adopted at The White Swan, West End, Stokesley, could you please email myself and Hambleton Council licensing team [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk) confirming your acceptance.

1. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
  - retail sale of alcohol;
  - age verification policy;
  - conditions attached to the Premises Licence;
  - permitted licensable activities;
  - the licensing objectives; and

- opening times for the venue.

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

2. A Challenge 25 policy shall be implemented in respect of the sale or supply of alcohol at the premises.
3. Signs shall be clearly displayed advertising the venues Challenge 25 policy.
4. All drinks sold for consumption outside the licensable area shall be sold in sealed vessels.
5. All external doors and windows of the building are to be kept closed after 23:00 hours when regulated entertainment/playing of recorded music is taking place.
6. Signs shall be placed at all exits from the premises requesting persons to leave quietly.
7. Only accredited proof of age cards, passports and birth certificates shall be accepted as forms of identification.
8. A refusals register / incident book shall be maintained & retained for twelve months after completion.
9. Outside area will not be used for the consumption of drinks/food after 23:00hrs.
10. No drinks to be taken off the premises in open vessels.
11. No children 16 years of age or under to be in the main bar area after 21:00hrs.

**Stephen Irvine volunteered the following amendments to the proposed operating schedule:**

**Section F**

The playing of recorded music will be to the following times:

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Mon	11:00	23:15
Tuesday	11:00	23:15
Wed	11:00	23:15
Thursday	11:00	23:30
Friday	11:00	23:30
Sat	11:00	23:30
Sun	11:00	23:00

Non standard timings:

31 <sup>st</sup> December	11:00	01:30
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**Section J**

Supply of alcohol will be to the following times:

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Mon	11:00	23:30
Tuesday	11:00	23:30
Wed	11:00	23:30
Thursday	11:00	23:30



Friday	11:00	00:00
Sat	11:00	00:00
Sun	11:00	23:00

Non standard timings:

Good Friday	11:00	00:30
Christmas Day	11:00	23:00
New Years Eve	11:00	02:00
New Years Day	11:00	01:00

Alcohol for consumption on and off the premises.

**Section L**

Hours premises are open to the public

Day	Start	Finish
Mon	11:00	00:00
Tuesday	11:00	00:00
Wed	11:00	00:00
Thursday	11:00	00:00
Friday	11:00	00:30
Sat	11:00	00:30
Sun	11:00	23:30

Non standard timings:

Good Friday	11:00	00:30
Christmas Day	11:00	23:30
New Years Eve	11:00	02:30
New Years Day	11:00	01:30

Submitted for your consideration

**Matthew Balmforth PC 205**  
**North Yorkshire Police, Alcohol Licensing Unit**  
**(Hambleton & Richmondshire)**  
**Community Safety Department**

**Telephone : 01423 539373 07867 351258**

@NYPALcohol\_Lic

***Committed to the Code of Ethics***

**NOT PROTECTIVELY MARKED**

.....  
 Internet email is not to be treated as a secure means of communication.

## Licensing Act 2003 Environmental Health - Representation Response

Premises Address	The White Swan		
	1 West End, Stokesley, North Yorkshire TS9 5BL		
Date application received	5 August 2014	Date Returned to Local Authority	2 September 2014

### Environmental Health Service Response.

The Environmental Health would object to the application in its current form for the following reasons:-

## Prevention of Crime & Disorder

### Prevention of Nuisances:

The Environmental Health Section has received several complaints from members of the public regarding noise from these premises. One of the complaints arose prior to the Licensing Application. These complaints can be summarised as follows: - anti-social behaviour, loud voices, car and taxis activities, noise from amplified live and recorded music particularly if it has continued after 11pm, noise from the quiz night, and noise from the beer garden. Most of the complainants are specifically concerned about the extension of the hours for the music entertainment and alleged that this entertainment had continued after normal hours on several occasions although these have not been substantiated. In order to investigate these complaints Mr Irvine was interviewed and 3 complainants living close to The White Swan were interviewed and monitoring and observations were carried out on the nights of Thursday 21<sup>st</sup> and Friday 29<sup>th</sup> August 2014.

**Entertainment events** – 1. On Thursday evenings a music act sets up at the rear left of the bar. This is generally one or two performers/singers with an amplified acoustic guitar. The performers bring their own amplification/ speakers and microphone and the general style of music is easy listening /blues. The door leading to the rear corridor to the beer garden is kept closed and Mr Irvine sets the level of the music. 2. The pub has 5 internal speakers through which recorded music is played when there is no music act.

Thursday 21<sup>st</sup> August 2014

Night visit to Stokesley (JB + JWL): We arrived on site 9-40pm. We walked past The White Swan twice with the front door shut and the music barely audible outside premises. We could hear a single singer with what sounded like an amplified acoustic guitar. We visited a neighbour in Levenside and she told us she was happy with this level of noise as it did not cause a problem. We listened in all the rear 1st floor bedrooms nearest to the pub and the music could not be heard there. The occupier would not be affected in her own bedroom at these levels. Her husband could be affected however when he is in bed in the living room if the music was noisy, but for him on that night the level was fine for him too. On leaving the dwelling at 10-57pm music from The White Swan was immediately clearly audible. It was also audible from my car position approximately 60m from the front of the pub. When the front door of pub was left open music could be easily heard. I parked at approximately 40m from The White Swan at 11-02pm. Music was still playing after 11pm till 11-12pm including an encore to 11-15pm. The front door at this point was closed and applause inside could be heard. Several patrons left the premises during this period and they were well behaved and considerate to neighbours although one patron forgot to close front door. No customers waited outside the pub. No recorded music was heard on this occasion. The pub lighting was lowered at 11-17pm. At 11-26pm we left the site.

We discussed our observations with Mr Irvine. He told us the performers were 'Easy Street' on that night. Mr Irvine acknowledged that he has not been perfect with the timings of the performers. Although he only pays them till 11pm he had allowed them to do an encore after hours.

We discussed with Mr Irvine reports made to Environmental Health of alleged music events that had exceeded the licensing hours. He compared these events to the bookings diary and could not confirm any of these events. He explained a complaint received about noise over Christmas 2013 in that the pub was not open and he was having a private family celebration.

Friday 29<sup>th</sup> August 2014 - JWL and EW

Night visit to Stokesley (JWL + EW) During an interview with Mr Irvine he had said that on this particular night there was going to be a singer with backing recorded music which was a once yearly event, and was probably

going to be the noisiest music event of the year. For this reason we set up a recording sound level meter in a neighbour's home and we reset this and calibrated the equipment when we arrived on site at 10pm. There were two occupiers and instructions were given to them on the use of the equipment and an introduction and a background noise level were recorded. They were asked to operate the recorder if they felt the noise from the pub was too loud or interfered with their enjoyment of their home. No recording were made by the occupiers.

With the TV turned down and silence in the dwelling, in the kitchen which adjoins The White Swan EW and I could only hear bass very faintly. Noise from the kitchen refrigerator motor was more noticeable however. The occupiers said noise at this level was not a problem for them and we could certainly not establish a nuisance in relation to this. They also said that the event on 21<sup>st</sup> August had not been a problem too. We left the dwelling at 10-30pm and went behind the dwelling next to the beer garden. We could not tell whether the rear door to the beer garden had been left open. We could hear music and the sounds of people talking inside the pub although this was not audible inside the dwelling. If windows had been open in the dwelling there may have been some disturbance. We took up a position approximately 35m away from the pub on the opposite side of the road adjacent to the Masonic Hall and opposite the Levenside exit. We could see that the front door was open and the inner door closed. The top windows of both bays were open and the inside of the windows were steaming up. People were dancing in the pub. Recorded music was being played back and someone was singing and this was quite loud and easily heard from our position. The music was recognisable. At 10-37pm someone propped the inner door open. While the inner door was still open I telephoned the neighbour and asked him what he could hear. He told me that he could hear bass slightly but it was nothing significant. At 10-43pm the front windows and the inner door were closed, and the outer door was partially closed. This made a significant difference to the escape of noise from the pub into the street. However we could still hear and recognise 'Desperado' playing in the pub. The front door shut at 10-48pm and it was clear that Mr Irvine was aware of our presence as he could see us from the front door. At 22-51pm a group of young men left the pub noisily shouting and swearing. This was in contrast to other people entering and leaving the pub and who did so quietly at around the same time. At 10-54pm the front door was closed, and the music stopped before 11pm. We left the site at 23-10pm.

We did not attend a quiz night event but one of our interviewees told us that although the questioner's voice was audible in his home it was not a problem for him.

In conclusion we found that anti-social behaviour was very limited and the vast majority of the patrons were well behaved and considerate and the vehicle movements directly associated with the pub were limited.

There are 3 issues from our observations: 1. The performance on 21<sup>st</sup> August continued after 11pm. 2. On 29<sup>th</sup> August in particular, the noise emanating from the premises into the street was significant although this did not appear to have an effect on the immediate neighbours. 3. Whether the windows and doors are open or closed can have a significant effect on the noise emanating from both the front and the back of the premises.

Protection of Children

Public Safety

These objections ~~\*cannot be overcome/\*~~ can be overcome by amendments to the Operating Schedule as follows:-

Prevention of Crime & Disorder

Prevention of Nuisances:

- Adhere to the hours of operation set on the licence.
- During music performances keep the windows closed, and inner front door and back door closed after 10pm

Protection of Children

Public Safety

If these amendments are agreed / approved by the Applicants, the Environmental Health consider there will not be a need for a hearing of the Council's Licensing Committee.

These amendments have been discussed with the applicant and agreed to

Yes

No

Inspecting Officer J W Lithgo

Date 2<sup>nd</sup> September 2014

Emailed to Mr Irvine 2/9/2014.

## Angela Trotman

---

**From:** Jane Lithgo  
**Sent:** 11 September 2014 07:33  
**To:** licensingteam  
**Subject:** FW: Licensing Conditions

Not sure if I gave you a copy of this agreement from Steve Irvine

**Jane Lithgo**  
Environmental Health Officer  
Environmental Health  
Ext. 7057

Hambleton District Council is consulting on its budget and council tax levels for next year (2015/16). Please complete the [online consultation](#) to have your say.

---

**From:** Captain Cook Brewery [<mailto:mail@captaincookbrewery.com>]  
**Sent:** 03 September 2014 14:50  
**To:** Jane Lithgo  
**Subject:** RE: Licensing Conditions

Hi Jane,

Thanks for your response.

I have read and understood your comments.

I agree to the amendments you have made on the license

Do I need to do anything else?

Kind regards,

Steve Irvine

---

**From:** Jane Lithgo [<mailto:Jane.Lithgo@hambleton.gov.uk>]  
**Sent:** 02 September 2014 17:59  
**To:** [mail@captaincookbrewery.com](mailto:mail@captaincookbrewery.com)  
**Subject:** Licensing Conditions

Hi Mr Irvine – here's the Licensing response form. There's no rush to reply to this as long as you reply before the committee date. I'll put on the form that I've emailed you the conditions and I'm waiting to see if you agree to them (which will in effect negate my objections).

**Jane Lithgo**  
Environmental Health Officer  
Environmental Health  
Tel: 01609 767057  
Email: [Jane.Lithgo@hambleton.gov.uk](mailto:Jane.Lithgo@hambleton.gov.uk)  
Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

Your calls may be recorded for training and quality purposes. The call recording policy is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

**Angela Trotman**

---

**From:** Cllr Andy Wake  
**Sent:** 05 August 2014 17:10  
**To:** Angela Trotman  
**Subject:** RE: The White Swan, Stokesley - Application to Vary Premises Licence

I would like to object to this application, and wish to see it refused.

The reason i would like this application refused is that this Public House is surrounded by houses, and i think that it is unfair on local residents to put up with the noise experienced by revellers in the early hours of the morning if the licensing hours were to be extended

Could you please acknowledge receipt of this objection.

Regards,

Andy

---

**From:** Angela Trotman  
**Sent:** 05 August 2014 14:49  
**To:** Cllr Bryn Griffiths; Cllr Jackie Griffiths; Cllr Andy Wake; Stokesley Parish Council; claire brenner; Dr Lincoln Sargeant; Environmental Health Technical Support; Greg Chapman; Hazell Robson; Licensing Officer.Children; Matt Balmforth; Robert Harper; Susan Bolland  
**Cc:** licensingteam; Captain Cook Brewery  
**Subject:** The White Swan, Stokesley - Application to Vary Premises Licence

Hambleton District Council has today received an application to vary the Premises Licence at The White Swan, Stokesley and I attach your copy of the application on behalf of the applicant.

The 28 day consultation period ends on 02 September 2014.

Please forward any correspondence to  
[licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)<<mailto:licensingteam@hambleton.gov.uk>>

Thank you.

Angela Trotman  
Senior Licensing Administration Officer  
Environmental Health Service  
Hambleton and Richmondshire District Councils  
Tel: 01609 767017 (direct line)  
Email: [angela.trotman@hambleton.gov.uk](mailto:angela.trotman@hambleton.gov.uk)<<mailto:angela.trotman@hambleton.gov.uk>>  
[licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)<<mailto:licensingteam@hambleton.gov.uk>> Website:[www.hambleton.gov.uk](http://www.hambleton.gov.uk)  
From: Captain Cook Brewery [<mailto:mail@captaincookbrewery.com>]  
Sent: 01 August 2014 17:41  
To: Angela Trotman  
Subject: Change to License of The White Swan

Hi Angela

We have today tried with all our might to scan over the 18 page document. However our computer did not like it and would not send as an email. Would it be possible for you to use the paper copy and scan to the relevant parties from your end.



Ref : 14\_prem\_00709

3 West End

STOKESLEY

North Yorkshire

TS9 5BL

18/08/2014

HAMBLETON D.C.		
19 AUG 2014		
REC'D		
RES	RES	CX
		ACK

To whom it may concern,

I am writing to the licensing department to object about the extended hours at The White Swan, Stokesley.

For the past 58 years, the above address has been our family home, and throughout the years, we have seen many changes in the public house trade.

I have looked at the application on line with concerns about the later opening hours ;

- Monday to Thursday 11am – 12.20am (last orders)
- Friday to Sunday 11am – 12.50am (last orders)

The extended hours mean that customers will be leaving around 12.40am (weekdays) and 1.10am (weekends). The pub is located in a residential area and I, along with my neighbours, feel that the extended opening hours are far too late.

Over the years living next to the pub, we have never experienced the high levels of noise pollution that has occurred over the last two years. My family and I have already had problems with noise from the pub and beer garden, with shouting and loud music playing on a regular basis. I have phoned the police on occasions, an example of this was on Christmas Eve. I had family staying and loud music was played into the early hours of the morning (around 3am).

The noise is having an effect on our day to day life as my brother and I both start work anytime from 4.30am and In an attempt to reduce the noise , I have changed the bedrooms used so that rooms adjoining the pub are not in use.

Yours faithfully

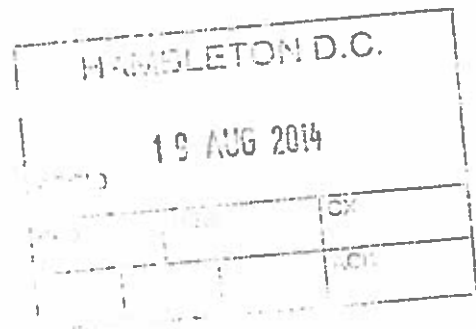


Thomas Nee

Garth House,  
75 Levenside  
Stokesley,  
North Yorkshire TS9 5BH.  
Tel.01642 710452.

16<sup>th</sup> August, 2014.

Licensing Department,  
Hambleton District Council,  
Civic Centre,  
Stone Cross,  
Northallerton. DL6 2UU.



To whom it may Concern:

**OBJECTION TO APPLICATION TO VARY PREMISES LICENCE AT THE  
WHITE SWAN, 1 WEST END, STOKESLEY.**

I wish to object to the above on the grounds that the White Swan is in a predominately residential area of Stokesley and in a terrace with private houses attached on each side. I live in one of these and since this landlord took over, there has already been considerable nuisance from loud amplified music, late hours and changes to the brewery and beer garden. Even if the live music ends at 11.p.m , the loud conversation and recorded music which follows still renders it impossible to sleep in the adjoining bedrooms. The front door is often open in the summer on music nights, causing complaints over a wide area. I have already taken up the noise issue with the environmental health department.

There is no car park and therefore there is a lot of disturbance when the pub closes – shouting, taxis with running engines, car doors slamming and the use of mobile telephones. In our case, this is right

outside our downstairs windows where my severely disabled husband has to sleep. If the hours he is applying for are granted, the pub would be emptying at 12.20 a.m. on 4 days and 12.50 a.m. on Fridays and weekends. This would make the situation untenable.

We have lived in this house for nearly 50 years and have never before had cause for complaint. The pub was always a pleasant place with awards for its real ale and there was no intrusive noise. We always had a good relationship with the landlords until now when there has been upsetting aggression. My husband was a doctor here for 35 years (often called to the pub!) and now he is damaged by a stroke, I have done everything to care for him in his own home so it is sad that there is now so much stress and there would be much more if the late hours were ratified.

I do not like complaining. It is a good pub and obviously the present 11 p.m. deadline (if adhered to) is acceptable. The noise level is a different issue which I hope may be resolved by monitoring. I understand that the landlord has financial considerations and wishes to change the nature of the pub in line with others in the town centre. Surely this should not be allowed at the expense of close neighbours in a residential area.

I sincerely hope you will consider this objection.

Yours faithfully,

A handwritten signature in black ink that reads "Hilary Kerr". The signature is written in a cursive style with a period at the end.

Hilary Kerr.

**Linda Doughty**

---

**From:** Roger Lewis <ilewisSbn@btinternet.com>  
**Sent:** 16 August 2014 11:04  
**To:** licensingteam  
**Subject:** White Swan Stokesley, Proposal to change to licensing stipulations..

As a near resident of the White Swan, I hereby object to the extension in the licensing hours and later music license proposed.

I object on the following points:

1) The White Swan is in an otherwise wholly residential area, and has always been known as a peaceful, socialising pub.

The later drinking hours may be acceptable in most 'Town Centre' locations, however the 'Swan' is remote to Stokesley Town Centre, and drinkers leaving the pub after midnight would cause noise nuisance to local residents.

2) The granting of a later 'Music' license would increase the noise levels even later into the night, and into the early hours of the following day. This would be unacceptable to most local residents.

At present, the noise from music nights is at an acceptable volume on cool nights, however, it must be noted that due to the nature of the traditional building, there is no AirConditioning in the pub and during frequent opening of doors

and windows the level of noise does rise. This would be very difficult (practically impossible) to control, and would be unacceptable if allowed to continue until midnight or later into the night.

May I add that I am a regular customer of the White Swan.

I appreciate Steve (Irvine) needs to maximise his returns from the Pub, and he is in my view, a very well respected Landlord, however any disturbance caused by 'Midnight Revellers' leaving his Pub is beyond his control, and then becomes the problem of local residents.

We do get occasional late night noise and disturbance from the clients leaving the Pub after closing, and I would suggest this disturbance would become more unacceptable if the later license were to be granted.

Yours sincerely

Roger Lewis



9, Springfield Garden,  
Stokesley,  
N. Yorks,  
TS9 5PH

Licensing department,  
Hambleton District Council,  
Civic centre,  
Stone Cross,  
Northallerton,  
North Yorkshire.  
DL6 2UU.

HAMBLETON D.C.			
REC'D 20 AUG 2014			
PES	RES	CX	
			ACK

Dear Sir/madam,

Re application for alteration to Licence (extension of opening hours) at The White Swan Pub, 1 West End, Stokesley, North Yorkshire.

**OBJECTION**

I am writing to object to the increase in opening hours and extension of the license for the White Swan Pub.

My parents, Dr and Mrs R Kerr live next door (adjoining) to the White Swan and have done so for 50 years! They have never had any trouble from the pub until the current land lord moved in! Since that time the noise level has increased dramatically along with nuisance from people and cars congregating around the front of my parent's property. There is no car park for the pub. This pub is situated on a 90 degrees bend in the road, which is an accident hot spot. This constitutes a risk to Public safety as cars are distracted by the commotion on the bend in the road, and there is no pavement or kerb, meaning that pedestrians are waiting along the roadside.

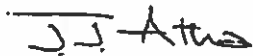
My father worked as a GP in Stokesley until he retired in 1994. He is a very well respected member of the community. Sadly he suffered a stroke in 2011 and is now seriously disabled. He is unable to walk and has to live downstairs. He has a hospital bed in the living room by the front window. This is the only place the bed could go. He is unable to communicate and is paralysed down his right hand side. My mother cares for him 24 hours per day. This situation is stressful enough, however the disturbances, loud music, litter (cigarette ends and often discarded beer glasses), shouting and banging car doors, is causing additional stress which is now affecting my mother's health. The level of commotion, noise and litter constitute a public nuisance. There is a very small, enclosed, yard out

the back of the pub which is not large enough for the smokers, and therefore they congregate outside the front on the roadside. This is a serious risk to public safety.

When live music was introduced at the pub, it was initially on a Thursday once a month and finished by 11pm. This has now increased to every week and often does not finish until 11.30pm or sometimes later. The Quiz night has always been on a Wednesday night and didn't cause any disturbance, however due to a new sound system; it can be heard throughout the house, and out in the street! I do not think that there is sufficient sound proofing or noise limiting devices. The pub is an old building (probably listed), and is not designed for modern levels of sound and vibration. The pub is located in a residential area within a terrace of houses.

I live at the other end of Stokesley, but I am often at my parent's house and have witnessed the disturbances and noise first hand. I used to visit the The White Swan Pub regularly and go to the quiz nights. I do not go so often now due to the level of noise within the pub – it is deafening and often overcrowded. The nature of the pub has changed. It used to be a quiet pub with real ale and an open fire being its main attraction. We do not need another late opening, noisy pub in Stokesley. There are plenty of other pubs in the town offering live music and late opening, which are not residential and have car parks and safer environments.

Yours Sincerely,

A handwritten signature in black ink that reads "J.J. Atha". The signature is written in a cursive style with a horizontal line above the first two letters.

Mrs Jane Atha

Licensing Department  
Hambleton District Council  
Stone Cross  
Northallerton  
DL6 2UU

7, West End  
Stokesley  
TS9 5BL

21/8/2014

**Re. White Swan, Stokesley – application to vary a premises licence.**

Dear Sir/Madam

We wish to **object** to the proposed change for the following reason.

The key to understanding this objection is to grasp fully that the White Swan is unlike the other pubs in Stokesley. Unlike the Queen's Head, Spread Eagle and Chapters – all of which are on the High Street with the shops- the White Swan is in the middle of houses where residents are trying to live and sleep. Houses physically adjoin the White Swan on both sides and other houses are also very close, both behind and in front.

All of you probably live in houses too, and the question you need to ask yourselves honestly is 'Would you want a next door pub to be granted this sort of extension?' This is not simply an issue about noise from music and entertainment, as Stokesley Parish Council seems to think. We are sure that you do not believe that when folk leave a pub they have taken a vow of silence, that they tiptoe to their cars and quietly close doors and have engines that merely whisper. Would you willingly want this at midnight, half past midnight, one o'clock in the morning?

As residents of property adjoining, council tax payers and voters, we are saying that granting this application would be a step too far and it should be rejected.

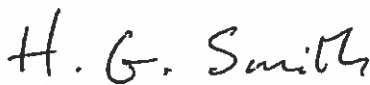
May we also take this opportunity to bring to your attention the weakness in the procedure to inform folk as to what is being proposed. There has been no direct communication and we only found out about the application from another resident. The White Swan itself has an A4, blue piece of paper on a side window indicating that there is an application, but giving no detail as to what is proposed. Whether this constitutes the minimum required is for you to judge, but we should be interested to know.

We have heard that Stokesley Parish Council has responded to you, but we disagree with their thoughts about opening hours and do not know whom they consulted before coming to their decision, but it was not all residents who live close by.

We await your response

Yours faithfully

H. G. Smith



A. M. Smith



HAMBLETON D.C.		
REC'D 26 AUG 2014		
PES	RES	CX
		ACK

*W.H. Robbins and Mrs. I. Robbins*

*Leven House  
73 Levenside  
Stokesley  
North Yorkshire TS9 5BH*

*Telephone: (44) (0) 1642 913819  
Fax: (44) (0) 1642 913819 (phone first)  
Mobile: (44) (0) 7887 370258  
E-mail: wh\_robbins@yahoo.co.uk*

Licensing Department  
Hambleton District Council  
Civic Centre  
Stone Cross  
Northallerton  
DL6 2UU

22<sup>nd</sup> August 2014

HAMBLETON D.C.		
26 AUG 2014		
	RES	CX
		ACK

Dear Sir/Madam

Objection to Application to Vary Premises License at The White Swan, West End, Stokesley

Leven House is about twenty yards from The White Swan, to the north in Levenside. This is predominantly a residential area and is part of the designated Conservation area.

We moved to Leven House some ten years ago and, before we did so, we did an assessment of whether there was likely to be any disturbance from the proximity of the public house. We established that there were no late night hours and neighbours confirmed that there was no undue noise at closing time.


Until the present landlord took over the license, our experience confirmed that there was no undue disturbance at night. However, in recent years this has not been the case. The specified closing time has not been observed and there is considerable noise, particularly at weekends, into the early hours of the morning. This comes from the merrymaking of the clientele which continues on the exiting from the public house, the starting up of cars, taxis with their engines running waiting for their passengers etc.

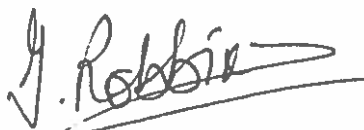
We notice that, in his application for extended hours, the landlord states that he is at a commercial disadvantage in comparison with the other public houses in Stokesley. But the other public houses are in the commercial area of Stokesley with few residential properties. This is presumably why The White Swan has currently earlier closing times than the other public houses.

Since there are other public houses in Stokesley with later closing times, there cannot be a case that those residents of Stokesley who wish to have an extended evening out would be deprived of this pleasure if extended opening hours were not granted to The White Swan.

We understand that the Parish Council have not opposed the extended hours but do not support the increased provision of music. We know that the immediately adjacent properties suffer greatly from the loud music which often continues until late at night. However, the principal problem for other residents in this area comes from, the currently unauthorised, late closing times. We therefore strongly object to legitimizing these times.

Yours faithfully

  
(W.H Robbins)

  
(I. Robbins) Mrs.



1 The Beeches  
Stokesley  
Middiesbrough  
TS9 5PR  
22 Aug. 14

Licensing Officer  
Licensing Dept.  
Hambleton District Council  
Civic Cross  
Northallerton  
North Yorkshire  
DL6 2UU

Dear Sir or Madam

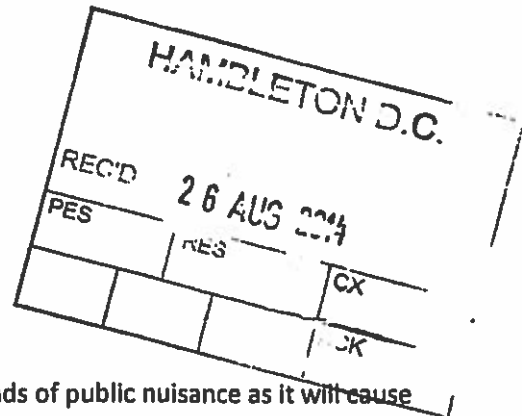
**Objection: White Swan Pub, 1 West End, Stokesley**

I wish to object to the application for a late licence on grounds of public nuisance as it will cause litter, noise etc. I am also very concerned about also public safety as there is no car park and it is situated on a 90 degrees bend.

My greatest concern is in relation to noise late at night as it is in a residential area.

Yours faithfully

  
Gillian Duffy



**Linda Doughty**

---

**From:** Rudolf Bilous <rudolffbilous@hotmail.co.uk>  
**Sent:** 25 August 2014 16:40  
**To:** licensingteam  
**Subject:** Application for extension of licensing hours for the White Swan Stokesley

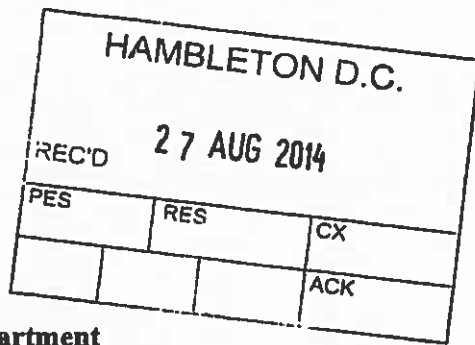
To whom it may concern,

We wish to register our opposition to the above proposal. Whilst having sympathy for the landlord's predicament with regard to being disadvantaged by other premises in central Stokesley, the situation is quite different for the West End. This is much more residential and therefore much more likely to be inconvenienced by late night music and noise from late night drinkers. There is much less parking here and such as there is is required by residents. There is already a problem with parking congestion and disregard for one way traffic at the end of Levenside, and this is only likely to worsen. The applicant cites a different pattern of drinking with customers starting at home and then coming to the pub. If they are then drinking later then the noise problem is likely to be worse. Moreover there is no CCTV surveillance that covers Levenside, we have had nuisance 'keying' of cars and minor vandalism in the past and this is also likely to worsen with greater intoxication of customers. Whilst the landlord has a good reputation for keeping an orderly house, the behaviour of customers after they leave will clearly be beyond his control.

I am a sometime customer of the pub and regard it as a real amenity to the town in terms of its own ales, occasional beer festivals etc but this application will change its' ambience and seriously inconvenience residents at this end of town.

Yours sincerely,  
Rudy and Mary Bilous  
71 Levenside,  
Stokesley





24, West Green  
Stokesley  
Middlesbrough  
TS9 5BB.

Licensing Department  
Hambleton District Council  
Civic Centre, Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU.

Dear Sir/Madam,

**Ref: The White Swan, Stokesley – Application to Vary Premises License.**

I object to the above application on the following grounds:-

- The White Swan is situated in a residential, Conservation Area of Stokesley which has suffered many forms of Anti-social behaviour over the 18 years I have lived here. Fortunately, due to licensing restrictions on the sale of alcohol placed on the only other business in this area we now enjoy a reduced problem with alcohol related ASB.
- Planning policy CP20 says account must be taken of: THE NEED TO REDUCE THE OPPORTUNITIES FOR CRIME AND THE FEAR OF CRIME, DISORDER AND ANTI-SOCIAL BEHAVIOUR AND PROMOTE SAFE LIVING ENVIRONMENTS.
- Evidence is widely available that a vast amount of money is spent by the NHS on the treatment of avoidable alcohol related illnesses.
- The Police have to invest a huge proportion of their budget and man power dealing with the epidemic of alcohol related ASB.

Yours faithfully

**Elizabeth Noon.**

24, West Green  
Stokesley  
Middlesbrough  
TS9 5BB.

Licensing Department  
Hambleton District Council  
Civic Centre, Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU.

HAMBLETON D.C.		
REC'D 27 AUG 2014		
PES	RES	CX
		ACK

Dear Sir/Madam,

**Ref: The White Swan, Stokesley – Application to Vary Premises License.**

I object to the above application on the following grounds:-

- The Licensing Authority has exercised a lack of care and consideration to residents of West Green and West End in not forwarding notification of the above application.
- The White Swan, public house, is situated in a residential area and therefore comparisons with other public houses on the High Street, which have commercial properties to each side, cannot be given as justification for the White Swan to follow the same Modus Operandi.
- The Public House is situated within the Conservation Area of Stokesley which has an Article 4 Direction.
- It is a well established fact throughout the country that excessive consumption of alcohol precipitates Anti-Social Behaviour in one form or another and no matter how well a Landlord runs a Public House, his/her responsibility begins and ends at the front door. What happens outside, loud inebriated voices, car door slamming, taxis coming and going is absorbed by the surrounding residents.
- Draft minutes of the Parish Council meeting of 12<sup>th</sup> August 2014 state that the PC were not opposed to the extension of the licensing hours and this was unanimously agreed. However, Councilor Andy Wake, (Chairman of the Parish Council) has e-mailed you requesting that the application be refused. I am therefore perplexed as to how the minutes of the PC can conclude that a unanimous decision was reached.

Yours faithfully

  
**Frank Robinson.**

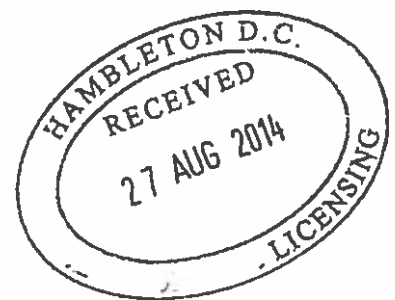
**Linda Doughty**

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**From:** J KING <jeffandpamking@btinternet.com>  
**Sent:** 26 August 2014 20:42  
**To:** licensingteam  
**Subject:** The White Swan, Stokesley, N. Yorks

We understand the above named pub has applied for an extension to its licensing hours to 1 am. We are objecting to this application as the pub is in a residential area so would cause noise nuisance. The pub has no car park and therefore local residents already have to put up with pub goers vehicles parking in our small, crowded roads. (Despite the drink/drive laws) We believe it would be completely irresponsible for the council to approve this application.

Jeff and Pam King



**Linda Doughty**

---

**From:** Katherine Atha <katherineatha@ymail.com>  
**Sent:** 28 August 2014 11:22  
**To:** licensingteam  
**Subject:** Urgent

I understand that the White Swan pub in Stokesley has made an application for extended hours and a music licence. As a local resident living within a couple of hundred metres of the pub I am sincerely surprised that I did not know about this application until a neighbour alerted me.

I wish to object to this proposed change and have tried in several different ways to view the application itself and the comments that others have already made, on the Hambleton website, without success. Although there is a message on the website explaining that there are current technical difficulties, this is not conducive to local residents being kept fully informed and involved in decisions which affect the community and I hope that the council will make every effort to remedy this.

Please can you forward the application to me as soon as possible so that I can submit comments before the deadline, which is now very close indeed.

Many thanks,

Katherine Atha

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**From:** Lynn Southern [mailto:lynn.southern@gmail.com]  
**Sent:** 27 August 2014 12:16  
**To:** Licensing Team  
**Subject:** White Swan Stokesley

It is not possible to send in views via HDC's website so I am sending this to you as an email.  
Will Hambleton please explain why for months now it has not been possible to submit views successfully online?  
Please will you confirm receipt of this email?

Regards

Lynn Southern

---

14\_PREM\_00709

White Swan Stokesley.

I am writing to you re the application to extend opening hours for the sale of alcohol and also entertainment at the White Swan Stokesley.

Firstly, I should like to ask how residents might have been expected to know about this application?  
Should HDC not have written to all residents in the area asking their views?

I understand it is pointless objecting to this application for extension of hours for sale of alcohol because it is commonplace these days to allow all pubs in an area similar opening hours. I most certainly do OBJECT to the extension of licensed hours for entertainment at this establishment.

I wish to draw your attention to the fact that the White Swan is in both a residential and Conservation area. The Swan is a very old building with thin walls and single glazed windows and is part of a very old terrace of dwellings all of similar structure. The layout of buildings in the area also causes noise to travel and consequently residents are adversely affected by noise emanating from the White Swan. It doesn't make any difference whether the pub windows and doors are open or shut, the noise inside and out is loud and can be heard inside surrounding buildings along West End, West Green and Levenside.

The White Swan is a great pub but noise from live and recorded music and from quiz night does already at times reach unacceptable levels. I therefore OBJECT to the licensing hours being extended. I have lived here many years and previously, presumably because of tougher licensing, noise from the pub was not usually an issue. There are also the additional problems outside the pub, of loud voices, laughing and shouting, cars pulling up, engines running, taxis arriving, etc. Of course these issues only arise because the pub is there.

The sound of amplified music and voices from the Swan already causes unacceptable stress at times. Many people these days, just as we do, get up at 6am and earlier. Not being able to get to sleep until after 12.30 or later is awful and affects one's ability to function via one's general health and capacity to work. For example people round here have to be up before 6am to catch trains to work or to get children to childminders before work. Serious illness hits many families at times and for those who are caring as well as those who are ill, the added stress of not being able to sleep because of noise makes matters so much worse. Surely in a residential and Conservation area like this we have the right to live peaceably. Surely the fact that there are more residents who will suffer from extension of hours of noise than customers at the pub who will benefit, will be a deciding factor.

If it IS possible to refuse the extension of hours on both counts then I ask that HDC will do so. If not then I request that HDC refuses the extension of hours for entertainment. I most certainly OBJECT to this.

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The information contained in this email is confidential. It is intended only for the stated addressee(s) and access to it by any other person is unauthorised. If you are not an addressee, you must not disclose, copy, circulate or in any other way use or rely on the information contained in this email. Such unauthorised use may be unlawful. If you have received this email in error, please inform the sender immediately and delete it and all copies from your system. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Hambleton District Council.

# Stokesley Conservation Area Advisory Group

Encouraging a high standard for building restoration and planning applications.

24, West Green  
Stokesley  
Middlesbrough  
TS9 5BB.

Licensing Department  
Hambleton District Council  
Civic Centre, Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU.

HAMBLETON D.C.			
29 AUG 2014			
REC'D			
PES	RES	CX	
		ACK	

28<sup>th</sup> August 2014.

**Ref: The White Swan, Stokesley – Application to Vary Premises License.**

Some ten years ago the Conservation Group was appointed by Hambleton District Council to provide local advice on the Conservation Area within Stokesley. Whilst the group appreciates that the above application is not a planning matter we do feel that it falls within the wider definition of the term conservation. We therefore object to the above application on the following grounds.

- Situated in a residential area within the Conservation Area we feel it is unacceptable to compare, and as stated bring in line with other public houses on the High Street which are located in commercial areas, extended opening hours together with live music nights.
- Planning Policy CP20 states that account must be taken of: The need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour and promote safe living environments.
- Regardless of how well a landlord runs a public house he/she cannot control the behaviour of customers once they have left the premises and this we feel is where incidents could occur that would disrupt the well being and safety of residents living in this area.

Yours faithfully



**Frank Robinson.**

**Chairman**

**Stokesley Conservation Advisory Group.**



**Linda Doughty**

---

**From:** Katherine Atha <katherineatha@ymail.com>  
**Sent:** 29 August 2014 14:48  
**To:** licensingteam  
**Subject:** Objection to licensing application

As residents of West End in Stokesley, we would like to object to the application by the White Swan pub on West End for a variation to its license, both for extension of opening hours and for more frequent musical events.

The White Swan is a mid-terraced property in a residential area and longer hours and more musical events will have a detrimental effect on the local residents in several ways.

The excessive noise levels from existing events have already created problems for residents in adjoining houses and we are not aware that special measures have been taken to improve the soundproofing on the adjoining walls to minimise the transfer of noise to neighbouring properties. Complaints by neighbours about excessive noise levels have been met with an aggressive response from the proprietor, bordering on abusive, which has been reported to the police. This is disturbing and indicates a lack of willingness to consider the needs and views of those directly impacted by the business and its activities. During hot summer weather, music played within the pub can be heard outside when doors and windows are opened and this is also the case during the winter when the open fire is used and the heat inside becomes oppressive. If musical events were held earlier in the evening and finished at a more reasonable time, this would cause much less disruption than at present and the extension of the frequency and duration of musical events would significantly worsen an existing problem, not relieve it.

Other premises in Stokesley already have longer hours and musical events, which can be better contained in a commercial rather than residential area and can be policed more easily for anti-social behaviour, so there is not a dearth of such provision within the village. The commercial area in the village centre also has much better provision of parking for cars. Residents on West Green and West End already experience difficulties in finding parking spaces for their cars and have suffered damage to cars parked in the neighbourhood as a result of anti-social behaviour. Longer opening hours risks the increase of anti-social behaviour, and at a later time of night, when fewer residents are around to deter wrongdoing. The noise of people talking and driving cars away at such a late hour is also disruptive to residents, particularly those with families.

The White Swan has a reputation as a calm environment which specialises in craft beers and provides a pleasant atmosphere for conversation. The changes proposed by the current proprietor would change the nature and reputation of the pub, to its detriment. One of the pub's greatest contributions to the community is its weekly quiz night, which is popular with local residents and enhances community life. Further activities of this nature would be far more welcome in the local community and would be far more compatible with the needs of residents and with the pub's current reputation than an increase in drinking times and loud music. The reputation of Stokesley itself is one which is safe and attractive for families and where those who are more vulnerable, such as the children and the elderly or infirm, can live in a peaceful and safe environment. Within the residential areas of Stokesley it is important for all business owners to be sensitive to this valuable reputation and to work to preserve and enhance it, not to undermine it.

We hope that the Council will reject both aspects of this application as being detrimental to local residents and to the community as a whole and that the proprietor will give consideration to enhancing this business by other means, with the support of those in the neighbourhood.

Charles and Katherine Atha

8 West End  
Stokesley  
TS9 5BN

**Linda Doughty**

---

**From:** l.scott246@btinternet.com  
**Sent:** 29 August 2014 16:08  
**To:** licensingteam  
**Subject:** re White Swan pub licence extension request

I wish to register concern regarding an already existing problem, which will only be exasperated by later night opening.

Vehicle parking around the pub is somewhat limited and at the west end exit from Levenside it is also extremely restricted, due to road markings (which is totally ignored by most parkers) and street narrowness.

Thoughtless and often dangerous parking are daily issues, due almost wholly to White Swan customers (from ~4pm until closing time). Some of these customers frequently choose to leave their vehicles parked in this way overnight.

Overnight and weekend parking by White Swan customer are already a common occurrence.

Larger vehicles parked in this way have already prevented access to both emergency and council services vehicles.

Many pub customers choose to enter Levenside by driving through the No Entry signs at the west end exit. This subsequently leads to their either driving east against traffic routing to Bridge street, or multi-point turning at unsociable hours.

Pub closing noises are always a problem, which can only be worsened by the later hour that they occur.

L J Scott

**Linda Doughty**

---

**From:** Michael Westgarth-Taylor <westgarhtaylor@btinternet.com>  
**Sent:** 29 August 2014 16:49  
**To:** licensingteam  
**Subject:** White Swan Application 14-PREM-00709

Dear Sirs,

I have in the past lived within 50 metres of the subject property, and am still in contact with the occupants of the property adjoining the White Swan, Stokesley..

This pub is surrounded on all sides by residential properties, and is effectively terraced. The effect of the current activities at the pub have made life intolerable for their neighbours. The sound reverberates through the walls affecting sleep and is very intrusive. Noise from the garden particularly in the summer has a significant effect on the "quiet enjoyment" which most people are entitled to expect within their own property.

In previous years under previous ownership, this never was an issue, as the pub did not have a licence for music. Neighbours were not unduly disturbed, and we never had any cause to complain from our home at Alum Garth (71 Levenside). It was, and could still be, a very good pub, but there is scant consideration from management to fostering good relations with neighbours. It is perhaps worth pointing out that current neighbours have lived happily alongside the pub for approx. 30 years, and until recently have had few if any problems. That has now changed.

Please bear this information in mind when considering any extension to opening hours / licensing hours/ music. You may treat this as an objection to the application in support of the immediate neighbours to the applicant, who I am sure will not wish the application to be successful

Yours sincerely

Michael & Pauline Westgarth-Taylor.

23 West End  
Stokesley  
MIDDLESBROUGH  
TS9 5BL

31<sup>st</sup> August 2014

Licensing Department  
Hambleton Council  
Civic Centre Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU

Dear Sir/Madam

**Re: The White Swan Stokesley Proposed Variation To Licensable Activities  
Change of opening times.**

I would like to object to The White Swan extending its opening times as this public house is in a residential area of West End, Leven Side and West Green. The White Swan cannot be compared to other public houses in Stokesley's High Street as these have commercial properties either side of them. The White Swan nearest completion is The West Deli. Further prove of this is shown by The White Swan's outside bill board which shows the offering of hot beverages thus proving that Mr Irvine is of the same opinion. See picture below:



With The White Swan's current opening hours, there are often noisy drunken people leaving the premises at gone 11:30pm and I am often woken up by this and by taxis pulling up, sounding their horns and slamming doors, this would only get worse and even later if the opening hours are extending.

I am concerned about safety in terms of drunken people entering the public house, as there are no security staff on the door. What would happen if there was an incident, I know from personal experience that Stokesley Police Station is not manned on an evening and officers have to come from either Northallerton or Easing Wold.

I am also often woken up by The White Swan's burglar alarm going off in the small hours of the morning and it goes off for at least 25 minutes if not longer. I was woken up this morning at 5:00am by the alarm.

I hope that common sense prevails and The White Swan is not allowed to extend its opening times.

Yours faithfully

Rob Blanchard

2 West End  
Stokesley  
MIDDLESBROUGH  
TS9 5BN

31<sup>st</sup> August 2014

Licensing Department  
Hambleton Council  
Civic Centre Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU

HAMBLETON D.C.		
- 2 SEP 2014		
REC'D		
PES	RES	CX
		ACK

Dear Sir/Madam

**Re: The White Swan Stokesley Proposed Variation To Licensable Activities  
Change of opening times.**

I would like to object to The White Swan extending its opening times as the public house is in a residential area and the opening times would cause further disturbance to me and my family.

We currently put up with:

- Loud drunken people waking up me and family at gone 11:30pm in the evening and if the opening hours are extended this would go on to at least 1:30am
- Taxis sounding their horns when picking up customers from The White Swan. We were woken up at 12:30am yesterday morning.
- Cigarette ends all over the pavement.
- People urinating outside house after leaving The White Swan.
- The burglar alarm often goes off for 20 to 30 minutes in the small hours of the morning. We were woken up this morning by the alarm going off for 25 minutes at 5:00am

This would only get worse if the opening times are extended. I sincerely hope that common sense prevails and The White Swan is not allowed to extend its opening times.

Yours sincerely



**Linda Doughty**

---

**From:** Sue Wardle <suewdl5555@aol.com>  
**Sent:** 01 September 2014 11:38  
**To:** licensingteam  
**Subject:** White Swan Stokesley

Dear Sirs

I understand that a request for extended opening hours and music have been submitted by The White Swan, Stokesley. I wish to lodge my objection to this on the grounds that:-

1. The White Swan is in a residential area, and one which is predominantly an area in which more elderly people reside.
2. The situation of the White Swan is on a dangerous corner in Stokesley, meaning that if cars are passing pedestrians leaving the pub are at risk.
3. No private parking is available and so cars are parked immediately outside of residential properties. While this may be acceptable for normal licencing hours, vehicles leaving later cause a problem for local residents due to noise from vehicles and individuals.

Yours sincerely

Sue Wardle

[suewdl5555@aol.com](mailto:suewdl5555@aol.com)  
45 The Paddock  
Stokesley  
Nth Yorks  
TS9 5PN

**Linda Doughty**

---

**From:** Wendy Croxford <wendycroxford@aol.com>  
**Sent:** 01 September 2014 10:36  
**To:** licensingteam  
**Subject:** Objection to White Swan extending it's opening hours

Dear Sirs

I would like to object to The White Swan public house extending its opening hours. The White Swan is in a residential area, in fact it is surrounded by them, my own property being very near. The present opening hours can be tolerated, although I would like to point out that I am often woken up by noisy people leaving the premises and cars and taxis pulling up, there is no car park at the premises.

I wonder if you are aware the Police Station in Stokesley is not manned in the evenings, and if there were any serious altercations in the premises there might be a problem.

The White Swan is in the wrong area to have extended hours, and I hope you will respect the concerns of it's near residential neighbours.

Regards  
Wendy Croxford  
19 West End  
Stokesley  
Middlesbrough  
TS9 5BL



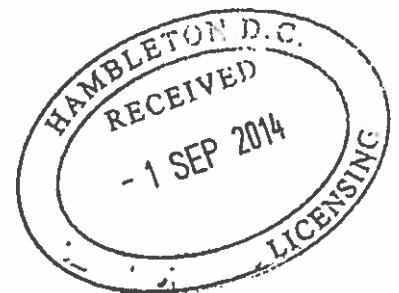
**Linda Doughty**

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**From:** e-mail joyce.mcarthur <joyce.mcarthur@ntlworld.com>  
**Sent:** 01 September 2014 21:16  
**To:** licensingteam  
**Subject:** White Swan application

Dear Sir/Madam We would like to register our concern at any extension of licensing for the White Swan pub.

This pub is situated in a residential area and enjoys the support of the local community. It would be totally inappropriate for music to be played late in the pub at the expense of the peace and quiet that residents in this location must be entitled to. Many elderly and housebound residents live in close proximity to this pub



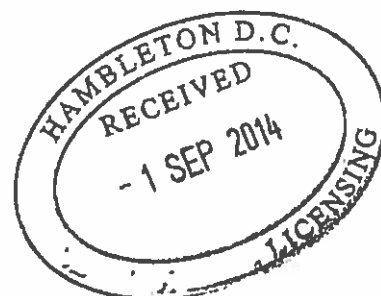
**Linda Doughty**

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**From:** e-mail joyce.mcarthur <joyce.mcarthur@ntlworld.com>  
**Sent:** 01 September 2014 21:07  
**To:** licensingteam  
**Subject:** White Swan Application

Dear Sir/Madam

We wish to register our concern that the White Swan has applied for a licensing extension, including music. This would be inappropriate in this residential area. We already suffer some disturbance from cars owned by visitors to the pub leaving late in the evening. Please acknowledge the needs of the community and dismiss this request. Many thanks Jouce and Denis McArthur.



## Angela Trotman

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**From:** Stokesley Parish Council <stokesleyipc@gmail.com>  
**Sent:** 14 August 2014 12:46  
**To:** Angela Trotman  
**Subject:** RE: The White Swan, Stokesley - Application to Vary Premises Licence

Stokesley Parish Council considered this application to vary the premises licence at its meeting on Tuesday 12 August 2014 and have requested that the following response be submitted.

Stokesley Parish Council are not opposed to the extension in hours as this would bring it in line with the other public houses in Stokesley. However they are concerned about the proposed extension to the entertainment licence as this is in a residential area and we have already received a number of complaints about the noise level.

Kind Regards

*Julie McLuckie*  
*Clerk*  
*Stokesley Parish Council*  
*01642 710270*

---

**From:** Angela Trotman [<mailto:Angela.Trotman@hambleton.gov.uk>]  
**Sent:** 05 August 2014 14:49  
**To:** Cllr Bryn Griffiths; Cllr Jackie Griffiths; Cllr Andy Wake; Stokesley Parish Council; claire brenner; Dr Lincoln Sargeant; Environmental Health Technical Support; Greg Chapman; Hazell Robson; Licensing Officer.Children; Matt Balmforth; Robert Harper; Susan Bolland  
**Cc:** licensingteam; Captain Cook Brewery  
**Subject:** The White Swan, Stokesley - Application to Vary Premises Licence

Hambleton District Council has today received an application to vary the Premises Licence at The White Swan, Stokesley and I attach your copy of the application on behalf of the applicant.

The 28 day consultation period ends on 02 September 2014.

Please forward any correspondence to [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)

Thank you.

**Angela Trotman**

**Senior Licensing Administration Officer**

Environmental Health Service

Hambleton and Richmondshire District Councils

Tel: 01609 767017 (direct line)

Email: [angela.trotman@hambleton.gov.uk](mailto:angela.trotman@hambleton.gov.uk) [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk) Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

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**From:** Captain Cook Brewery [<mailto:mail@captaincookbrewery.com>]

**Sent:** 01 August 2014 17:41

**To:** Angela Trotman

**Subject:** Change to License of The White Swan

Hi Angeia

We have today tried with all our might to scan over the 18 page document. However our computer did not like it and would not send as an email. Would it be possible for you to use the paper copy and scan to the relevant parties from your end.

Many thanks.

Steve

## Linda Doughty

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**From:** Andy Bell <ajb1605@hotmail.com>  
**Sent:** 29 August 2014 13:40  
**To:** licensingteam; steve.irvine.7923@facebook.com  
**Subject:** RE: THE LOOP - White Swan application to extend hours

Ref number is 14\_PREM\_00709

If I may register my views by the points with which I have issue,

- the Swan is in a residential and Conservation area, is part of a terrace of dwellings built perhaps in the 1700's
- The residents of those buildings, however, were not built in the 1700's, and knew before buying their property of the existence of the Swan
- noise from the pub carries through the walls and windows and along West End, West Green and Levenside even when the doors and windows are shut
- I believe if you seek the views of the people along West End and Levenside, you will not get such comments, apart from the immediate next door neighbours
- the amplified noise from quiz and music nights is already excessive at times and causes distress and nuisance to those living nearby  
As a regular attender, that comment is difficult to support; and in fact the extension sought is only seeking to cover the license for any slight over-run of the normal music - the quiz is not an issue.
- those suffering illness, those caring for people who are ill, as well as those who have to get up through the night eg to children or get up very early for work find disturbance from excessive noise very hard to live with
- And again, I repeat that the Pub was there before they were, and the perception of "excess" noise is a very subjective thing
- noise outside a Pub is not taken into account when considering a licence application
- There is significantly less noise outside the Swan than any other Pub in Stokesley, in my opinion and experience
- some residents have only just learned of this application
- This is hardly the fault of the licensee, if that is the implication

Best regards,

Andy Bell

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Date: Fri, 29 Aug 2014 11:34:55 +0100  
Subject: THE LOOP - White Swan application to extend hours  
From: stokesleyloop@gmail.com  
To:

*The Loop has been asked to circulate this information:*

The Landlord of the White Swan on West End Stokesley has applied for a licence variation to extend opening hours for both the sale of alcohol and music/entertainment.  
It does not seem possible to view the application form online.  
District Councillors Jackie Griffiths, Bryn Griffiths and Andy Wake (see [stokesleyipc.org.uk](http://stokesleyipc.org.uk) for contact details) can be contacted or ring Hambleton District Council and ask to speak to the Licensing Team direct.

If you want to register your views the last day is Monday 1st September.  
The easiest way is via email: [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)  
The Ref number is 14\_PREM\_00709

There are a number of points being made:

- the White Swan is a great pub
- the best pub landlords foster and value good relations with local residents
- while the request for extended hours for live and recorded music may not necessarily be granted, it does seem likely that the Swan will be granted similar opening hours to the other Stokesley Pubs
- if you want to comment it is worth giving your views on both aspects of the application
- the Swan is in a residential and Conservation area, is part of a terrace of dwellings built perhaps in the 1700's
- noise from the pub carries through the walls and windows and along West End, West Green and Levenside even when the doors and windows are shut
- the amplified noise from quiz and music nights is already excessive at times and causes distress and nuisance to those living nearby
- those suffering illness, those caring for people who are ill, as well as those who have to get up through the night eg to children or get up very early for work find disturbance from excessive noise very hard to live with
- the Police try to help but it's an issue for Licensing
- noise outside a Pub is not taken into account when considering a licence application
- all views registered will be considered; a petition counts as one view; a letter signed by two people still only counts as one view
- whilst registered comments are circulated to those who have also given their views, these documents do not seem to be accessible via the Hambleton website
- the Licensing Team are under no legal obligation to advise local people of the new application, and it is up to the Landlord to advertise this with a blue notice prominently placed
- some residents have only just learned of this application
- Hambleton have advised the Loop that the website was down again last night
- views can be reliably registered via email to [licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)

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#### STAY IN THE LOOP!

The Loop is an email notice board that circulates all sorts of local information and sometimes provides opportunity for comment on Stokesley matters.  
To join the Loop (or to unsubscribe) please send an email to [stokesleyloop@gmail.com](mailto:stokesleyloop@gmail.com).  
Do pass on any information and notices that might be of interest to others, especially to those without email access.

Mr Michael Mannix

22 Meadowfield

STOKESLEY

TS9 5EY

30. 8. 2014

Licensing Authorities

Hambleton District Council

Stone Cross

Northallerton

HAMBLETON D.C.		
REC'D - 1 SEP 2014		
PES	RÉS	CX
		ACK

Dear Sir / Madam.

As a regular visitor to the White Swan in Stokesley, I would like to take this opportunity to record my support for the establishment's license extension application.

The Swan has a reputation in Stokesley for discouraging the rowdier type of customer, and has enjoyed a solid reputation as a quiet place of convivial relaxation. I say this as a Stokesley resident of some 25 years standing.

I feel that the White Swan should be allowed to remain competitive with other licensed premises in the town and have parity with opening hours elsewhere.

There is no doubt that the Swan is the quietest pub in Stokesley and extending its opening hours would have no impact on anyone in Stokesley except the customers who appreciate the restrained and traditionalist character of these premises.

Yours faithfully,



Michael Mannix

**Linda Doughty**

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**From:** Graham Smith <graham@smiths.org.uk>  
**Sent:** 30 August 2014 12:59  
**To:** licensingteam  
**Cc:** Stokesley Parish Council  
**Subject:** With reference 14\_PREM\_00709

Dear Sirs,

I fully support this application. It seems to me to be vastly unfair that the majority of licensed public houses in Stokesley have been granted the opportunity to open very late (Queens 12:30 am, Spread Eagle 01:00 am, Mill 12:00 am with 01:30 am at weekends, Chapters 01:00 am) and the White Swan only granted an 11 pm weekdays, Sunday 10:30 pm license.

Factors to be considered include:

ALL of the pubs in Stokesley fall within the boundary of the Conservation Area (as I know being a long-standing-now-retired Chairman of the Stokesley Conservation Area Advisory Group). Thus comments relating to this factor should not be used to discriminate between any of the pubs and not used as an argument against this reasonable request from the landlord of the White Swan.

ALL of the pubs in Stokesley are closely situated to residential property and so, again, it would not be fair to use this factor to discriminate between any of the pubs in Stokesley nor to use the factor as an argument against the landlord's reasonable request for an extension to the current very basic opening hours.

The pub with the longest-standing and best reputation for minimal or no problems in the form of anti-social behaviour, noise, or known illegal activity within the licensed premises is The White Swan. Consequently, it would be grossly unfair to have this application refused whilst the other licenses premises in Stokesley have been granted significantly longer hours of opening.

The pub that initiated and most strongly supports the collaborative Pub-Watch scheme in Stokesley and Great Ayton is the White Swan. This demonstrates the extent to which the landlord is striving to run and maintain a responsible business that contributes to the community.

On the basis of the above, the application deserves to succeed.

Yours faithfully

Graham Smith

59 Riversdene, Stokesley, TS9 5DD

## **EXTRACT FROM HAMBLETON DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY**

### **3.0 PREVENTING CRIME AND DISORDER**

3.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of crime and disorder. The appropriate measures will depend on the type, size and location of premises and the activities to be carried out.

However, the following are examples of issues that will be considered:-

- effective methods of communication between licensees and the Police  
(e.g., radio, paper, ringround, ringmaster);
- membership of a Pubwatch or similar scheme and active participation in that scheme;
- use of CCTV systems where appropriate;
- appropriate policies and practices relating to avoidance of underage drinking (e.g., use of ID schemes, referral logs, signage, etc);
- appropriate drugs policies and practices;
- glass and bottle policies and practices (e.g., introducing toughened drinking glasses, prohibiting the taking of glasses from the premises);
- effective control of the premises and record keeping (e.g., trained and registered door staff if appropriate, incident logs, training of staff);
- transport liaison arrangements (e.g., readily available information on access to taxis, public transport, etc).

### **4.0 FIRE SAFETY:**

4.1 The Fire Authority has regulatory powers under the Regulatory Reform (Fire Safety) Order 2005 to enforce and control fire safety matters in licensed premises. The Council will not seek to duplicate these powers.

4.2 However, preventing the crime of arson relates to the Licensing Objectives. Consequently the Council will seek to ensure that adequate measures are taken by licensees to reduce the risk and opportunity for deliberate fire setting. This might be to ensure that the security arrangements of the premises reduce the risk that a fire might be started deliberately by actively controlling access to non-public and external areas. It may also include measures to ensure that the accumulation of and access to waste materials is controlled.



## **5.0 OTHER PUBLIC SAFETY MATTERS:**

- 5.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk to public safety. This may include provisions for restrictions on the number of persons who can attend a premises or part of a premises or a specific entertainment at any one time. It might also include a requirement to carry out or have evidence of certain safety inspections such as those relating to electrical or gas appliances or structural matters.

## **6.0 PREVENTING PUBLIC NUISANCE:**

- 6.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of public nuisance. In particular, it will look at measures to limit noise nuisance, both from the premises and from customers entering and leaving the premises. Methods of control might include restrictions on hours, particularly late at night, noise limiters on musical equipment and sound insulation of buildings, plant and equipment.
- 6.2 The Council will also expect licensees to adopt measures to avoid problems caused by customers spilling out of premises because they have reached capacity or for other reasons.
- 6.3 The Council will ensure that adequate measures are taken to deal with litter problems created by a licensable use in the immediate vicinity of the premises.

## **7.0 CHILDREN:**

- 7.1 Subject to the licensee's discretion and any conditions included in a Premises Licence or Club Premises Certificate, the 2003 Act does not prohibit children having free access to licensed premises of all kinds, including those selling alcohol for consumption on those premises. The Council recognises the great variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafés, take-aways and fast food outlets as well as public houses and nightclubs.
- 7.2 The Council will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. General rules on access of children will be avoided. The individual merits of each application will be considered.
- 7.3 The Council will in particular take account of the following situations in respect of premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
  - with a known association with drug taking or dealing;

- where there is a strong element of gambling on the premises;
  - where entertainment of an adult or sexual nature is commonly provided;
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 7.4 There are a number of options available for limiting the access of children where that is necessary for the prevention of harm to children. The options include:-
- limitations on the parts of premises to which children can have access;
  - limitations on the hours when children may be present;
  - age limitations (below 18);
  - limitations or exclusions when certain activities are taking place;
  - requirements for accompanying adult;
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 7.5 The Council will not impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club.
- 7.6 In the case of premises giving film exhibitions, the Licensing Authority expects licensees to impose conditions that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Local Authority itself. The Council does not intend to adopt its own system of classification.
- 7.7 There should be at least one member of adult staff at places of public entertainment to control the access and egress of children and to assure their safety.
- 7.8 The Council commends to all licensees in sale and supply of alcohol the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- 7.9 The Council recognises the North Yorkshire Area Child Protection Committee as the "responsible authority" in respect of children's issues. This will therefore be the body to which copies of applications are sent.

## 9. Determining applications

### General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions

### Where representations are made

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

## **Relevant, vexatious and frivolous representations**

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political

judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

## **The role of responsible authorities**

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

## **Representations from the police**

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>4</sup>. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all

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<sup>4</sup> Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

## **Licensing authorities acting as responsible authorities**

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

## **Health Bodies Acting As Responsible Authorities**

- 9.20 Where a local authority's Director of Public Health in England (DPH)<sup>5</sup> or Local Health Board (LHB) (in Wales) acts as a responsible authority, they should have sufficient knowledge of the licensing policy and health issues in order to be able to fulfil this function. If they wish to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies exercising health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information would be relevant to the public safety objective and in some cases the crime and disorder objective. In making representations, DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

## **Disclosure of personal details of persons making representations**

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

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<sup>5</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.



- 9.23 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.24 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.25 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.26 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## Hearings

- 9.27 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However,

where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

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

9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

9.38 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.

- 9.39 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.
- 9.40 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. Whilst 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 on both the risks and benefits either for or against making the determination.

## **Considering cases where licensing and planning applications are made simultaneously**

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.