

**Application for the review of a premises licence or club premises certificate 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 Matthew Cook

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Courtyard Howgill Lane Sedbergh	
Post town Sedbergh	Post code (if known) LA10 5BN

Name of premises licence holder or club holding club premises certificate (if known) HOWGILLSHOSPITALITY LTD
--

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

Cook

First names

Matthew

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

██████████
██████████

Post town

██████████

Post Code

██████████

Daytime contact telephone number

██████████

**E-mail address
(optional)**

████████████████████

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

This premises is creating a public nuisance. In warm weather, the premises is regularly playing loud amplified outdoor music. The music is clearly audible inside the neighbouring houses. The music often continues when the premises is closed or empty. Loud voices (often shouting to be heard over the music) are also a problem and can be heard within neighbouring properties.

There have also been regular noise nuisances in relation to pressure washing, moving furniture, shouting, rolling barrels and the banging of pots and pans outside of sociable hours. The sleep of local residents has been disturbed as a result of this.

There are ancillary issues including:

- The license was granted without being advertised in accordance with section 25 of the Licensing Act 2003. As such the residents were prevented from commenting on the application.
- The license does not have a valid postal address (<https://www.royalmail.com/find-a-postcode>).
- The conversion of the car park has led to a problem with illegal parking and traffic disruption.
- The license is in the former car park of a separate premises. Staff and customers are moving freely between the two businesses with food and drinks. As there are no clear distinctions between the two areas, most customers and neighbours are unaware there are two separate licenses. This is making enforcement very difficult.
- The premises has no independent buildings, utilities, toilets, letterbox or other infrastructure.
- The site supervisor/director is very rarely on-site and the supervisors partner "Michael Garnett" appears to be acting as de-facto licensee.

Please provide as much information as possible to support the application (please read guidance note 3)

The site is located within a residential area, a conservation area and within the Yorkshire Dales National Park boundary. The site is a former pub car park surrounded on two sides by a residential property. The site occupies a thin strip of land (approximately 5m at the narrowest) between the Dalesman Inn pub and a residential house. There is no visible demarcation between “The Courtyard” and neighbouring “Dalesman Inn”. The site houses approximately ten tables. The walls of the neighbouring house are being used as the boundaries for the site. The premises is an open outdoor area with no permanent buildings.

In 2021 The Dalesman Inn began using its car park as a temporary outdoor drinking area as a result of the coronavirus measures. The pub began playing loud amplified outdoor music without making any material modifications to the area. The local residents made representations to the pub and the appropriate authorities about disturbances (listed in the above section) resulting from the changes. There was no improvement.

In 2022, the pub applied for and was granted a permanent license converting the former car park into a new venue “The Courtyard”. The Council failed to disclose any of the residents earlier complaints when consulted during the application process. The license was also not advertised in accordance with section 25 of the licensing act 2003. Instead, the notification was placed at the internal corner of the site approximately 25m from the exterior of the premises. This prevented residents from objecting.

From the time that the new license was granted, there has been regular noise disturbances and other problems associated with this venue. The boundary of the site is made up of the walls of a neighbouring building and the noise of the music and voices from the pub subsequently carry directly into the neighbouring houses. In areas not directly adjacent to the premises, the noise from the music is regularly loud enough to be heard approximately 100m away. Loud outdoor music is played most warm evenings and weekends.

I would like the licensing committee to assess whether a license is indeed suitable for this location. It is notable that the vicinity is otherwise a very quiet and peaceful residential street lined with traditional stone built houses. The current noise and other disruption from the pub is creating a significant nuisance to local residents and clearly detracts from the public amenity of the area.

It has been suggested that the current license contravenes several sections in the Councils policy on licensing (<https://www.southlakeland.gov.uk/media/7993/statement-of-licensing-policy-2022-to-2027.pdf>) particularly in relation to noise. The number of customers visiting the premises also seems disproportionately low for the amount of disruption that is being caused.

If the committee insists upon the site remaining open in its current form, despite the harm that this is causing, the minimum remedial measures suggested are:

- No outdoor music.
- The erection of a signposted physical enclosure. This would serve to clearly distinguish the area from that of the neighbouring Dalesman Inn and help to contain the excessive noise.
- The creation of a boundary or buffer zone such as a large wall or high fence between neighbouring buildings. This would limit the noise transferred into neighbouring buildings.
- Clarity around who is licensed to operate the pub and who is running it. The responsible person should be required to make their contact details and working hours/on-site hours available.
- The pub should be required to have a valid postal address.
- The pub should provide basic parking provision for deliveries to prevent traffic congestion and excessive delivery noise (as it was doing prior to 2021).
- Customers should be prevented from moving with drinks between the premises and neighbouring Dalesman Inn. There should be a strict mechanism for enforcing this.
- The premises should be required to provide basic facilities such as toilets to discourage customers from moving drinks between the premises and the neighbouring Dalesman Inn.

-There should be no deliveries, pressure washing, moving furniture etc. prior to 9AM

The evidence submitted to support this application is available via the following Dropbox link:



Please note that some of the issues raised have been the subject of a report by the Local Government Ombudsman. The Ombudsman confirmed that the Council failed to properly process or take reasonable actions to address the issues presented. It is therefore suggested that the committee consults the LGO report prior making any decisions reliant upon the accuracy of the Councils records.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my

application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

..... [REDACTED]

Date 29/08/2023

.....

Capacity

[REDACTED]

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.