

ANNEX B

[REDACTED]
WELBURN, YORK
YO60 7ED
[REDACTED]
[REDACTED]

03 December 2022

Ryedale District Council
Ryedale House
Malton
YO17 7HH

Dear Sir/Madam

**Mr. Stewart Holt, DOGH, Welburn: Application for a Premises
Licence on and off the premises**

I am writing to object to the above application. Whereas we can see no objection to an indoor table licence so diners can enjoy a drink with their meal within reasonable opening hours, we are completely opposed to the sale of alcohol off the premises.

We can see no need for an off the premises licence when the Crown and Cushion Public House opposite has a large garden in which to enjoy a drink. Mr. Holt has in the past been less than conciliatory to his neighbours who do not wish to have the disruption of drinking outside their homes. In addition, there is the safety aspect with the cafe being sited adjacent to the main street on a steep bank, and on the public right of way serving the neighbouring houses.

We are also of the opinion that the sale of alcohol off the premises will increase the incidence of litter.

Yours faithfully

[REDACTED]
Judith Scott
Timothy Scott

John Wardell

From: Rob Stansfield [REDACTED]
Sent: 07 December 2022 21:40
To: John Wardell
Cc: Rob Stansfield
Subject: Dogh, Welburn - Application for Premises Licence

Dear Mr. Wardell,

I should be grateful if you would accept this email as my representations to the Licensing Committee in regard to the application by Mr. & Mrs. Holt in partnership t/a Dogh in Welburn.

For information, I reside with my wife at [REDACTED] (for 34 years) our home being next door but one to the Dogh premises.

Whilst I have no representations or objection to make in relation to the application so far as serving alcohol with meals and lightbites within the building nor to the sale of alcohol in sealed containers for consumption off the premises, I do wish to make representations with regard the serving of or sale of alcohol for consumption at the outdoor tables positioned on the access road at the front of the café.

I make these representations and objections referencing both public safety and public nuisance, securing of both being 2 of the 4 Licensing Objectives.

Public Safety: the Council's Planning Department (Alan Goforth) is well acquainted with the history in regard to the breach of planning conditions by the applicants in relation to outdoor tables both on the access road and on the adjacent registered Village Green when enforcement action was contemplated to secure compliance. In the event a planning consent emerged restricting outdoor tables to the two now present in front of the café. During the planning process many concerns were expressed by residents as to the danger to pedestrians, vehicular traffic, shop/ café customers and Dogh staff arising from the conflicting mix of people and vehicles. There is no physical barrier for protection and vehicles pass within feet of the tables frequently and on a daily basis.

This danger to safety was recognised and acknowledged by both your planning officers and NYCC Highways (Mr. Tim Coyne). As ' responsible authorities ' and in knowledge of the safety issue the applicants, I believe should have consulted with them at the time of or prior to making their application. With both the planners and highways acknowledging this safety issue with, I believe an 'advisory' in the planning consent for Highways to discuss with Dogh actions for mitigation, both these authorities would now surely agree that adding alcohol to the mix will exacerbate not mitigate the safety risk. I would ask that there is full consultation with the planners and Highways.

Public Nuisance: Again, in the planning process there was strong representation from many residents in relation to the detrimental affect of outdoor seating on their privacy and adverse impact on amenity to close residential properties together with noise, cigarette smoke and obstructive parking. This was recognised and acknowledged by the planning authority during the planning process and the ensuing consent was conditioned by restricting number , size and positioning of outdoor tables. I am of the view that to grant a licence for the area applied for (ie including the outdoor tables) will further impact adversely on residents' amenity and enjoyment of their immediate surroundings and I request that the lincensed area excludes the outdoor tables.

Again, I would ask for full consultation with the planners.

If the Licensing Committee are minded to discount my representations then I would ask that the Licence is conditioned to restrict the serving and consumption of alcohol at the outdoor tables at all times to 18.00 hours which is the trading closure hour stipulated in the current planning permission.

I apologise for the length of this email but I thought it necessary and, hopefully, helpful to give full reasoning for my representations.

With thanks.

Yours sincerely,

Rob Stansfield
[REDACTED]

From: [REDACTED]
To: [Licencing](#)
Subject: Dogh Cafe alcohol Licence Application
Date: 09 December 2022 09:47:58

Attn. John Wardell.

Dear Sir,

Whilst having no objection to the serving of alcohol within the premises with a meal or light bites, I feel that serving alcohol to the outside tables would be to further exacerbate the already public safety aspect as the tables are situated on an access road, a road in frequent use by near neighbours and customers parking. Vehicles pass or park close to these tables, causing problems for servers, customers, neighbours and pedestrians. The tables are hardly conducive to safe seating, both from gaining access to the seats and the passing or parked vehicles. The outside seating was granted at the last planning application by Dogh cafe and there was input by the Highways authority as to the safety aspect of the tables. An added risk to the safety aspect is that the outside customers allow their children free rein to run around the access road and on to the green, this already happens, customers and children are seemingly not monitored by staff regarding this behaviour and serving alcohol is hardly likely to improve the situation. The applicant states that he is applying for the licence 'not to encourage more people to visit but to increase their average spend' and this should not cause any more traffic or parking issues than at the current time, and admittance then that there are traffic issues.

Public nuisance is already prevalent to the forefront of the cafe by way of customers gathering around the entrance to the cafe, either waiting to be served, or in discussion with others at the tables, inconsiderate vehicle parking, riders seated on their motor bikes parked obstructively in front of near neighbours property. Considerable noise is created by these customers and provide an unpleasant outlook, for opposite and next door neighbours. Navigating past or through these gatherings as pedestrians is for some residents intimidating, at best unpleasant. The same applies to near neighbours as they attempt access and egress their properties. Section 18e the applicant states, 'does not expect to be causing any additional nuisance by being able to sell alcohol' which rather seems to suggest that there is nuisance in connection with the cafe as mentioned earlier. As to the special events and tasting evening, this would of course create more nuisance, especially as they are intended to end at 22.30 hours, and would leave neighbours, with further extended inconvenience and deprivation of their amenities.

The above mentioned comments can be verified with planning dept with regard to safety and nuisance issues.

Regards,
D. Ashurst.
Welburn

From: [REDACTED]
To: [Licencing](#)
Subject: Notice of Application for Licence - Dogh Welburn YO60 7DX
Date: 09 December 2022 23:49:24

Dear Sirs

I would like to make representations on the above referenced application.

I and my wife have lived adjacent to the shop for over 30 years and my address appears at the foot of this email. For the avoidance of doubt we do not object to the application so far as it permits the sale of alcohol with meals and light bites within the premises and not at the outside tables within the existing permitted hours of 8am to 6pm seven days per week. Nor do we object to the sale of alcohol in sealed containers for consumption off the premises within the permitted hours of 8am to 6pm.

The application was received by RDC on 11/11/22 according to it's website yet it was not published on that website until 3 December. Further it was not published in the Malton Gazette and Herald until 23 November. My attention was drawn in the last few days to the small notice on white paper stuck to the inside of the right hand window of Dogh almost totally hidden by condensation and the brightly lit exterior silver tree like decoration obscuring the notice. That does not seem to be adequate notice given the date of 9 December stipulated by RDC for filing of representations and I should be grateful if RDC could review the adequacy of the notice in the light of statutory requirements.

Turning to the application itself and the four objectives to which licencing must have regard, namely the prevention of crime/disorder, maintenance of public safety, prevention of public nuisance and lastly protection of children from harm:

Section 1 Stewart Holt is named as the applicant and is described as a partner in partnership , yet no further partners are detailed.

Section 3 confirms Stewart Holt wishes to carry on licensable activities in partnership.

Section 4 Sarah Holt is confirmed as an applicant. Could it be clarified that she is in partnership with Stewart Holt in Dogh and as such is jointly and individually liable with him in connection with this application and any licence subsequently granted.

Section 5 states the Dogh operates between 8am and 6pm seven days per week and although it also states that hours vary at weekends and in the winter my understanding is that the hours are conditioned by the planning permission subject to which Dogh operates. Further my understanding is that by RDC's own

policy licensing permission should not contravene planning conditions. I would suggest that these hours should not be extended for the reason that the existing hours achieve the four licensing objectives referenced above. The applicant seeks to distinguish between the internal shop area, the cafe area and the two outside seating tables. As stated above I suggest it is not appropriate to permit the sale of alcohol for consumption at the outside tables (which are adjacent to a highway) which I represent would not accord with the four licensing objectives referred to above.

Section 15 I would not object to the sale of alcohol on and off the premises subject to the conditions referred to above.

Section 17 I would object to the extended hours requested in the application which I represent to not accord with the four licensing objectives referred to above.

Section 18 I would object to the sale and consumption of alcohol at the outside tables which I represent would not be appropriate and would be diametrically opposed to the four licensing objectives referred to above. Further to permit such sales would run contrary and be diametrically opposed to the current conditions under which Dogh operates and the reasons for imposing such conditions.

Yours faithfully
Alistair Duncan

Alistair Duncan

Welburn
York YO60 7DX

From: [REDACTED]
To: [Licencing](#)
Subject: RE: Notice of Application for a Premises Licence - Dogh Welburn YO60 7DX
Date: 09 December 2022 08:59:02

Dear John

Thank you for sharing a copy of the Notice of Application, in respect of which I make the following representations.

In section 18 of the application, the applicant states "The reason we are applying for a license is not to encourage more people to visit but to try and increase the average spend when they do come and therefore make the business more viable. We do not see that this will cause any more parking and traffic issues than at this current time." This is a curious statement given that Section 15 of the application contains an explicit request for Non-standard timings, being permission to remain open until 10.30pm, on perhaps 10 occasions each year. My limited understanding is that it is not uncommon for premises licenses to allow for such extended opening on upto 20 occasions per year. Any such extended hours can only involve more parking and traffic issues (as the applicant describes them) than are endured by residents at this present time, simply because the vast majority of their customers must drive to this small village to attend the premises, which of itself would amount to a public nuisance.

If a license is granted which permits such extended opening hours, those opening hours will be in breach of the planning conditions imposed upon the business earlier this year. The business is required to close at 6pm. Part 3 of Ryedale District Council's Licensing Policy (March 2019) sets out the principles to be applied in respect of planning. Para 4.2, states *"As far as reasonably practicable, licensing officers will discuss with their planning counterparts mutually acceptable operating hours, however, the Licensing Authority shall expect applicants to have obtained the appropriate consents or licences prior to operation."* I am not aware of any planning application having been submitted to the relevant department to vary the existing limitations on opening hours, despite the application requesting a license be effective from 1 December 2022; and the Policy document suggests that such should have been obtained. The Policy goes on to state at 4.3 *"Where premises have not obtained such consents or licences, they will be liable for enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission; a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their Planning Permission may be liable to enforcement action by the Planning Authority. Licensing applications therefore will not be a re-run of the planning application process and licensing decisions will not cut across decisions taken by the Planning Committee or permissions granted on appeal."* My representation here is that any license granted should be restricted to applying only to the opening times stipulated in the planning conditions. This would go a significant way to ensuring that the Licensing Policy set out in para 4.4. is met *"...the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned."* A position which is made

clearer still by paragraph 4.9 *"The Licensing Authority has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises."*

This is well aligned with the Howardian Hills AONB manager's comments concerning the planning application that it is necessary to preserve the tranquility of the conservation area, in which Dogh is located, within the AONB.

For the reasons given above, I would comment that any License granted should preclude the business from opening outside of the times imposed by the planning conditions.

The proposed licensed area includes the land upon which two outdoor picnic tables are located. My understanding is that these tables are located on a Highway. Therefore, in the interests of Public Safety I would comment that the licensed area should be limited to the indoor premises only, to reduce what was acknowledged as an existing risk (in the planning process) of vehicle/pedestrian collision immediately outside of the premises, a risk that would surely be increased where alcohol is involved. The consumption of alcohol at these outside tables is also likely to increase general nuisance and disturbance of residents, owing to the simple effects of alcohol on consumers, which often involves the raising of voices and less inhibited/reserved behaviour. Again, this nuisance featured in the lengthy planning process.

I wish to make it clear that I have no objection whatsoever to the sale of alcohol within the premises, for consumption inside the premises or for takeaway in sealed containers. I merely think it appropriate to limit the hours for the sale of alcohol to those stipulated in the planning conditions and exclude the outside seating from the licensed area, thereby reducing public nuisance for neighbours and protecting public safety.

Kind regards

Ian Leadbeater



Welburn

Sent from my Galaxy

From: [REDACTED]
To: [Licencing; John Wardell](#)
Subject: Dogh, Welburn, YO60 7DX - Notice of Application for Premises Licence
Date: 09 December 2022 13:51:58

FAO John Wardell

Dear Mr. Wardell,

Thank you for ringing me on Monday. I very much appreciate the time you gave me to explain the situation.

Please accept this email as my representations to the Licensing Committee in regard to the application by Mr. & Mrs. Holt in partnership t/a Dogh in Welburn.

My address is [REDACTED], Welburn, YO60 7DX and I live within a few yards of Dogh café.

Although I have no objection to the serving of alcohol with meals and light bites within the building nor to the sale of alcohol in sealed containers for consumption off the premises, I do strongly object to the serving of or sale of alcohol for consumption at the outdoor tables on the access road at the front of the café.

My representation is also that any license granted should be restricted to applying only to the opening times stipulated in the planning conditions.

I make these objections with regard to both public safety and public nuisance.

Public Safety: the Council's Planning Department (Alan Goforth) is well acquainted with the history in regard to the breach of planning conditions by the applicants in relation to outdoor tables both on the access road and on the adjacent registered Village Green when enforcement action was contemplated to secure compliance. In the event a planning consent emerged restricting outdoor tables to the two now present in front of the café. During the planning process many concerns were expressed by residents

as to the danger to pedestrians, vehicular traffic, shop/ café customers and Dogh staff arising from the conflicting mix of people and vehicles. There is no physical barrier for protection and vehicles pass within feet of the tables frequently and on a daily basis.

This danger to safety was recognised and acknowledged by both your planning officers and NYCC Highways (Mr. Tim Coyne). As ' responsible authorities ' and in knowledge of the safety issue the applicants, I believe should have consulted with them at the time of or prior to making their application. With both the planners and Highways acknowledging this safety issue with, I believe an 'advisory' in the planning consent for Highways to discuss with Dogh actions for mitigation, both these authorities would now surely agree that adding alcohol to the mix will exacerbate not mitigate the safety risk. I would ask that there is full consultation with the planners and Highways.

Public Nuisance: Again, in the planning process there was strong representation from many residents in relation to the detrimental affect of outdoor seating on their privacy and adverse impact on amenity to close residential properties together with noise, cigarette smoke and obstructive parking. This was recognised and acknowledged by the planning authority during the planning process and the ensuing consent was conditioned by restricting number , size and positioning of outdoor tables. I am of the view that to grant a licence for the area applied for (ie including the outdoor tables) will further impact adversely on residents' amenity and enjoyment of their immediate surroundings and I request that the lincensed area excludes the outdoor tables. Again, I would ask for full consultation with the planners.

As I mention above I would also ask that the Licence is conditioned to restrict the selling, serving and consumption of alcohol to 18.00 hours which is the trading closure hour stipulated in the current planning permission. Any late night openings with alcohol involved will only further exacerbate the existing Public Safety and Public Nuisance concerns.

Regards,

Nick Symington