
Meeting	Licensing Hearing
Date	3 August 2015
Present	Councillors Gillies, Looker and Mercer
In Attendance as Sub	Councillor Hayes

14. Chair

Resolved: That Councillor Gillies be elected as Chair of the meeting.

15. Introductions**16. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

17. The Determination of an Application by Bootham Crescent Holdings Ltd for a Premises Licence Section 18(3)(a) in respect of York City Football Club, Bootham Crescent, York, YO30 7AQ. (CYC-053443)

Members considered an application by Bootham Crescent Holdings Ltd for a premises licence in respect of York City Football Club, Bootham Crescent, York.

In coming to their decision, members took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives. The following were taken into account:

1. The application form.
2. The Licensing Officers report and his comments made at the hearing. He advised that the application was for a Premises Licence which would include the football pitch area at Bootham Crescent. The premises currently had

two premises licences in operation covering the social club and lounges. The Council's Public Protection Officer had met with the applicant and agreed a number of conditions as attached at annex 4 to the report. 13 representations had been received from local residents. Consultations had been carried out correctly.

3. The representations made at the hearing on behalf of the football club by the Events Consultant. He advised that the new premises licence was being sought to accommodate the York City Knights rugby team at Bootham Crescent while both teams await the completion of the new Community Stadium. He explained that alcohol licensing for football and rugby is different in that rugby supporters are not barred from taking alcohol out onto the terraces while matches are in progress, and as a result, the licensed area would need to be extended to enable York City Knight supporters to enjoy the same atmosphere as they do at Huntington Stadium. In response to concerns raised by the Representors in their letters, he amended the application to remove off-sales as there was no intention to sell alcohol for consumption off the premises. In relation to the live music aspect of the application and the licensing of the pitch, it was confirmed that it was not the intention to play any music at the site past 11pm at night, and it was not intended to hold outdoor pop concerts. The incorporation of the pitch was primarily to facilitate the planned 'End of an Era' events that will take place when the football club vacates Bootham Crescent and this would be limited to 4 events per year including a family fun day and a dinner in a marquee. No end dates had been included in the application as it was still uncertain exactly when Bootham Crescent would be vacated. The Council's Stadium Project team had provided a letter of support to the applicant and this was circulated at the hearing with the agreement of the Representors.

4. The representations made by two local residents in writing and at the hearing. They were disappointed that the Football Club had not taken the time to arrange a public consultation on the application and concerned that only a small notice had been positioned on the door of the

pitchside bar which does not have a footpath in front of it and therefore not easily viewable to people passing by. They advised that the major concerns about off-sales and the potential for pop concerts had been addressed by the applicant although some concerns still remained about the potential for public nuisance in the area such as parking disruption during special events. The broadness of the application also remained a concern, despite the applicant stating only 4 events were planned.

5. Written representations received from local residents during the consultation period.

Members were presented with the following options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates.
- Option 4 Reject the application

In coming to their decision the Sub Committee chose Option 2 and granted the application with modified/additional conditions as follows:

- 1 Alcohol will only be sold/supplied in the social club and boxes/function rooms of the main stand unless prior approval is given by the licensing authority and police in relation to an event that is taking place at the ground. At least two months notice must be given of any events.
- 2 Alcohol will only be consumed in the social club and boxes/function rooms of the main stand, when a sporting activity is taking place on the pitch, unless prior approval is given by the club's safety officer.
- 3 Events involving regulated entertainment will not take place outside the social club and boxes/function rooms of the main stand, unless prior approval is given by the

licensing authority and police. At least 2 months notice must be given of any events.

- 4 A CCTV system will be installed to cover the entrance gates to the ground and stands.
- 5 The CCTV system will be maintained, working and recording at all times when the ground is opening for a sporting activity.
- 6 The recordings shall be of good evidential quality to be produced in court or other such hearing.
- 7 Copies of the recordings will be kept available for any Responsible Authority for 28 days.
- 8 Copies of the recordings shall be made available to any Responsible Authority within 48 hours of request.
- 9 Copies of the recordings will display the correct time and date of the recording.
- 10 A Refusals Register and Incident Recording Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. These records will be kept for at least one year and will be made available upon request from any Responsible Authority.
- 11 An adequate number of SIA registered door supervisors shall be provided when a sporting activity is taking place on the pitch, to monitor the areas where alcohol is sold and consumed, as determined by the club's Safety Officer.
- 12 The premises licence holder and designated supervisor will risk assess if SIA door supervisors are required on other occasions.
- 13 An adequate number of stewards shall be provided when a sporting activity is taking place as determined by the club's Safety Officer.

- 14 An adequate number of SIA registered door supervisors and stewards will be provided at any events which take place outside the Social Club and boxes/function rooms of the main stand, as determined by the club's Safety Officer in conjunction with the licensing authority and police.
- 15 The ground operates in accordance with the legal requirements of the of the Safety Certificate issued by the City of York Council, in accordance with Safety at Sports Grounds Act 1975 (as amended).
- 16 No more than 4 events will take place in a calendar year outside of the Social Club and boxes/function rooms of the main stand.
- 17 Any event that takes place outside of the Social Club and boxes/function rooms of the main stand will only take place between the hours of 10:00 and 23:00.
- 18 Noise sensitive premises in close proximity shall be leafleted about any events which take place outside the Social Club and boxes/function rooms of the main stand. Information shall include details of the event, timings and any sound checks taking place along with a contact telephone number of the 'named event organiser'.
- 19 Noise monitoring checks will be undertaken and documented in relation to any events which take place outside the Social Club and boxes/function rooms of the main stand.
- 20 There shall be no off-sales.
- 21 All staff are trained in the legal requirements of the Licensing Act 2003.
- 22 An event specific noise management plan shall be submitted to Public Protection at City of York Council at least 8 weeks prior to an event where live or recorded music is to be held on the playing area. The noise management plan shall be agreed by Public Protection prior to the event (this excludes incidental music played over the public address system, before, during and immediately after a football match).

23 The music noise levels when assessed at a noise sensitive premises during any sound checks and during events shall not exceed 65 dB (A) over a 15 minute period.

24 Music from live and recorded music events shall not be audible at residential dwellings after 23:00.

25 Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

26 All live music and recorded music events with a capacity of more than 500 people shall finish by midnight.

Resolved: That in line with Option 2, the licence be granted.

Reason: To address the issues raised.

REASON FOR THE DECISION:

The Sub-Committee carefully considered the application and the representations submitted in writing and orally at the hearing by those making representations and the Applicant. In reaching their decision, the Sub-Committee took into consideration the provisions of the Licensing Act 2003, in particular the statutory Licensing Objectives, together with the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee had regard to the concerns of the local residents and attached weight to these representations but were satisfied that the evidence put forward at the Hearing by the applicant, together with the suite of conditions was sufficient to allay any fears about live music events late at night giving rise to public nuisance. They concluded that all four licensing objectives would be met in granting the application with the above mandatory and additional conditions.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate to promote the licensing

objectives. They reminded the applicant of the necessity of complying with all of the conditions.

Councillor Gillies, Chair

[The meeting started at 2.00 pm and finished at 3.00 pm].